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# JOURNAL

OF

## THE SENATE

OF THE TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

Convened by proclamation of the Governor, being their first session, begun and held in  
the city of Springfield,

NOVEMBER 23, 1840.

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# JOURNAL

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OF

## THE SENATE.

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At a General Assembly of the State of Illinois, begun and held at Springfield, on Monday, the twenty-third day of November, in the year of our Lord one thousand eight hundred and forty, convened by proclamation of the Governor, being the first session of the Twelfth General Assembly of said State.

The Hon. STINSON H. ANDERSON, Lieutenant Governor of the said State of Illinois, and Speaker of the Senate, appeared, took the chair, and called the Senate to order.

Whereupon, the following members appeared and took their seats, viz:

From the county of Madison—GEORGE CHURCHILL.

From the counties of Vermilion and Champaign—WILLIAM FITHIAN.

From the counties of Clinton and Marion—WILLIAM GASTON.

From the county of Gallatin—WILLIAM J. GATEWOOD.

From the counties of Pope and Johnson—WORTHINGTON J. GIBBS.

From the counties of Union and Alexander—JOHN S. HACKER.

From the counties of Peoria, Putnam, Marshall, Bureau and Stark—JOHN HAMLIN.

From the counties of Jo Daviess, Rock Island, Stephenson, Ogle, Mercer, Whiteside, Winnebago, Boon, Carroll and Lee—GEORGE W. HARRISON.

From the counties of Montgomery and Bond—WILLIAM HUNTER.

From the counties of Hamilton and Jefferson—NOAH JOHNSTON.

From the counties of McDonough and Hancock—SIDNEY H. LITTLE.

From the county of Edgar—NELSON W. NUNNALLY.

From the counties of Schuyler and Brown—WM. A. RICHARDSON.

From the county of Pike—WM. ROSS.

From the counties of Morgan, Cass and Scott—WM. L. SARGENT.

From the counties of La Salle, Iroquois, Kane and DeKalb—WILLIAM STADDEN.

From the counties of Greene, Jersey and Calhoun—FRANKLIN WITT.

Whereupon,

On motion of Mr. Witt,  
Isaac S. Berry, was appointed Secretary pro tem.; and

On motion,

Andrew J. Witt was appointed Sergeant-at-arms pro tem.

The following gentlemen presented certificates of their election in the present General Assembly, were qualified and took their seats, viz:

From the counties of Greene and Jersey—JOHN ALLEN.

From the counties of Sangamon, Menard, Logan and Christian—EDWARD D. BAKER.

From the county of Tazewell—RICHARD N. CULLOM.

From the county of White—WILLIAM H. DAVIDSON.

From the counties of Fayette, Clay and Effingham—AIKEN EVANS.

From the county of Randolph—JACOB FEAMAN.

From the county of Macoupin—JOHN HARRIS.

From the counties of Crawford, Lawrence and Jasper—JOHN HOUTON.

From the counties of Monroe, Madison and St. Clair—JAMES A. JAMES.

From the counties of Morgan and Scott—T. M. KILLPATRICK.

From the county of Fulton—DAVID MARKLEY.

From the counties of McLean, Macon, DeWitt and Livingston—JOHN MOORE.

From the counties of Franklin, Williamson and Jackson—BRAXTON PARRISH.

From the counties of Cook, Will, Du Page, Lake and McHenry—JOHN PEARSON.

From the county of Adams—JAMES H. RALSTON.

From the county of St. Clair—ADAM W. SNYDER.

From the county of Shelby—PETER WARREN.

On motion of Mr. Moore,

The Senate proceeded to the election of a Secretary.

And thereupon, the Senate proceeded to vote for Secretary as follows, to wit:

Those who voted for Meritt L. Covell, are,

Messrs. Allen, Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Snyder, Stadden, Warren and Witt—29.

Those who voted for Andrew Johnson, are,

Messrs. Churchill, Davidson, Fithian and Little—4.

And thereupon, Meritt L. Covell having received a majority of the votes given, was declared duly elected Secretary of the Senate of the Twelfth General Assembly of the State of Illinois.

On motion, the Senate then proceeded to the election of an Enrolling and Engrossing Clerk, when the vote stood thus:

Those who voted for Downing Baugh, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren and Witt—22.

Those who voted for J. Townsend, are,

Messrs. Churchill, Davidson, Hamlin, Harrison and Ross—5.



Those who voted for F. A. McNeil, are,  
Messrs. Baker, Fithian and Killpatrick—3.

Messrs. Hacker and Little voted for Thomas H. Owens—2.

Mr. Cullom voted for Mr. Kellogg—1.

Mr. Sargent voted for Mr. Johnson—1.

And thereupon, Downing Baugh having received a majority of the votes given, was declared duly elected Enrolling and Engrossing Clerk to the Senate of the Twelfth General Assembly of the State of Illinois.

The Senate then proceeded to the election of Sergeant-at-arms, when the vote stood thus.

Those who voted for Andrew J. Witt, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren and Witt—23.

Messrs. Baker, Killpatrick, Ross and Sargent voted for Mr. McConnell—4.

Messrs. Davidson, Fithian, Harrison and Little, voted for Joseph Warren—4.

Messrs. Cullom and Hamlin voted for ——— Tinney—2.

Mr. Churchill voted for ——— Blevins—1.

Whereupon, Andrew J. Witt having received a majority of the votes given, was declared duly elected Sergeant-at-arms to the Senate of the Twelfth General Assembly of the State of Illinois.

On motion,

The Senate adjourned until to-morrow morning 10 o'clock.

## TUESDAY, NOVEMBER 24, 1840,

Senate met pursuant to adjournment.

Mr. Nunnally moved the adoption of the following Resolution, viz:

*Resolved by the Senate,* That the Secretary be authorized to appoint an assistant, to aid him in the performance of his duties; which was read and adopted.

Mr. Moore moved the adoption of the following resolution, viz:

*Resolved,* That Reporters to the State Register, Sangamon Journal and Morning Courier, be authorized to take seats within the bar of the Senate; which was read and adopted.

Mr. Gatewood offered for adoption the following resolution, viz:

*Resolved,* That a select committee be appointed to draft rules for the government of the Senate, and also, to establish the number of standing committees and report thereon; which was read and adopted.

*Ordered,* That Messrs. Gatewood, Snyder and Davidson, be that committee.

Mr. Moore moved the adoption of the following resolution, viz:

*Resolved,* That the rules of the Senate at its last session be adopted until otherwise ordered; which was read and adopted.

Mr. Wyatt B. Stapp presented his certificate of election as Senator in the present General Assembly from the counties of Warren, Knox and Henry, was qualified and took his seat.

John D. Wood, from the counties of Washington and Perry, appeared and took his seat.

Mr. Gatewood offered for adoption the following resolution, viz:

*Resolved*, That the Secretary inform the House of Representatives that they have met and organized, have elected Meritt L. Covell, Secretary, Andrew Jackson Witt, Sergeant-at-arms, and Downing Baugh, Engrossing and Enrolling Clerk, and are now ready to proceed to Legislative business; which was read and adopted.

On motion,

The Senate adjourned.

### WEDNESDAY, NOVEMBER 25, 1840.

Senate met pursuant to adjournment.

Mr. Byrd Monroe, Senator from the counties of Clark and Coles, appeared and took his seat.

Mr. Rigdon B. Slocumb presented his certificate of election as Senator in the present General Assembly from the counties of Wayne, Edwards and Wabash, was qualified and took his seat.

A message from the House of Representatives, by George Davis, their Assistant Clerk:

*Mr Speaker*: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz:

*Resolved*, That the Clerk of this House inform the Senate that they have met, elected Wm. Lee D. Ewing, their Speaker, John Calhoun, their Principal Clerk, George Davis, their Assistant Clerk, Robert Smith, Enrolling and Engrossing Clerk, Wm. C. Murphy, Principal Door-keeper, Benj. Roberts, Assistant Door-keeper, and are now ready to proceed to legislative business.

I am also directed to inform the Senate that they have adopted the following resolution, in the adoption of which they ask the concurrence of the Senate, to wit:

*Resolved*, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to wait on the Governor and inform him that the two branches of the Legislature are organized and ready to receive any communication he may be pleased to send them; and have appointed Messrs. English, Able and Humphrey, the committee on their part. And he withdrew.

The message from the House of Representatives, just received, was then taken up;

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the last resolution mentioned in said message?"

It was decided in the affirmative.

*Ordered*, That Messrs. Ralston and Moore be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Little moved the adoption of the following resolution, viz:

*Resolved by the Senate,* That the State House Commissioners be requested to obtain the four stoves now in the second Presbyterian Church, and place them in the Senate chamber for the use of the Senate; which was read and adopted.

Mr. Gatewood, on leave given, presented the petition of John Cranshaw, in relation to the lease of the salt wells and saline lands in Gallatin county; which was read, and,

On motion of Mr. Gatewood,

Referred to a select committee.

*Ordered,* That Messrs. Gatewood, Hacker and Parrish, be that committee.

Mr. Snyder moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That a joint select committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to draft and report joint rules for the government of the two Houses; which was read and adopted.

*Ordered,* That Messrs. Snyder and Davidson be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Gatewood, from the select committee to which was referred the resolution in relation to the rules and standing committees, made the following report, viz:

The committee to whom was referred a resolution in relation to the rules governing the Senate and for the establishing of the standing committees, report that they recommend the rules as remaining at the last session of the Legislature, as also, the same standing committees, with the addition of a standing committee on Counties;

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Ralston, from the joint select committee, appointed to wait on the Governor and inform him of the organization of the General Assembly, reported that they have performed that duty, and received for answer from his Excellency, the Governor, that he would, at the hour of 10 o'clock, A. M. on to-morrow, make a communication in writing to the General Assembly.

On motion,

The Senate adjourned.

THURSDAY, NOVEMBER 26, 1840.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred in the adoption of a resolution, having for its object the appointment of a joint committee of two on the part of the Senate, and three on the part of the House of Representatives, to draft and report joint rules for the government of the two Houses, and have appointed Messrs. English, Carpenter and Lincoln, the committee on their part. And he withdrew.

Mr. Speaker, in pursuance of a rule of the Senate, announced the following standing committees, viz:

*On Elections*—Messrs. Richardson, Parrish, Feaman, Ross and Gibbs.

*On School Lands and Education*—Messrs. Davidson, Moore, Churchill, Slocumb and Richardson.

*On Internal Improvements*—Messrs. Hacker, Wood, Parrish, Moore and Cullom.

*On the Judiciary*—Messrs. Snyder, Ralston, Little, Pearson, Johnston and Baker.

*On Internal Navigation*—Messrs. Harrison, Houston, Evans, Hamlin, Allen, Slocumb and Warren.

*On Public Roads*—Messrs. Nunnally, Harris, Killpatrick, Hunter and Gaston.

*On Canals and Canal Lands*—Messrs. Stadden, Pearson, Fithian, Witt and Gatewood.

*On Finance*—Messrs. Gatewood, Churchill, James, Monroe and Hacker.

*On Public Accounts and Expenditures*—Messrs. Ralston, Witt, Stapp, Henry and Markley.

*On Military Affairs*—Messrs. Harris, Ross, Feaman, Gaston, Allen, and Cullom.

*On Salines and Saline Lands*—Messrs. Parrish, Davidson, Hunter, Gibbs and Houston.

*On Petitions*—Messrs. Wood, Stapp, Hamlin, Evans and Stadden.

*On Public Buildings*—Messrs. Herndon, James, Henry, Little and Nunnally.

*On the Penitentiary*—Messrs. Churchill, Snyder, Fithian, Harrison, Herndon and Warren.

✓ *On Counties*—Messrs. Moore, Markley, Snyder, Baker and Sargent.

*On Enrolled Bills*—Messrs. Johnston and Sargent.

A message from the Governor, by Isaac N. Morris, Esq:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Whereupon, Mr. Speaker laid before the Senate the following message, which was read, viz:

*Gentlemen of the Senate, and of the  
House of Representatives:*

You are convened in pursuance of my proclamation of the 15th of October last, and it now becomes my duty to communicate to you the reason of your convocation. While we have abundant cause to be devoutly thankful to an over-ruling Providence for the success which has every where attended industry—bountifully rewarded the husbandman for his labor—it is to be deeply deplored that our State is measurably overwhelmed with pecuniary embarrassments.

These embarrassments have grown out of our system of internal improvements, adopted by improvident legislation, at a time when the delusive phantom of speculation seemed to have taken possession of the human mind, and led the world into extravagance and error; and however deeply we may regret the evil which this system has entailed upon us, it would be unwise and unpatriotic to shrink from the responsibility of applying your best efforts to the pecuniary redemption of the State, and the preservation of her honor. The vast debt she has already incurred must be paid, and this can only be done by a strict and rigid maintenance of her credit abroad, and the wisdom with which her measures are directed at home.

A failure to meet promptly a single one of her engagements would inevitably throw around her future operations difficulties which would prove destructive to her character and interest, and in a great degree paralyze her energies.

Although there may be but one opinion among our citizens, that the money for which we are indebted has been injudiciously appropriated, still their virtue and patriotism, their high sense of honor and justice, imperiously forbid delinquency in its payments. I am clearly convinced that they would look upon no calamity which might befall them so great and humiliating as that which would strip them of their reputation for punctuality and probity in their engagements.

When a State loses sight of these paramount considerations in her public policy—when she ceases to hold integrity up to the world as the polar star of her legislation—when she becomes careless of her standing among the communities around her, she will settle down into hopeless degradation, and become the scorn and contempt of the world. Strongly impressed with these sentiments, I have convoked you at the present time, that you may be enabled to provide means for the payment of the interest, which will fall due on the first Monday in January next, on the internal improvement debt. The immense amount of State securities in the market—the general derangement of financial affairs in this and other countries—the suspension of specie payments by the banks, and the contractions of their issues, rendering the difficulties encountered in obtaining money for any purpose almost insurmountable, together with the shortness of time intervening between the period fixed by the Constitution for your regular meeting, and the first Monday in January succeeding, when the interest becomes due, presented doubts to my mind whether the Legislature, if they did not assemble previous to the commencement of their regular session, could adopt suitable measures for the purpose of providing the neces-

sary funds to enable the Fund Commissioner to avail himself of their advantages so as to meet the pending obligation of the State. To obviate these objections I have called you together, and cannot but hope you will act in the premises with promptitude and wisdom, and thus preserve unsullied our plighted faith.

Unless our internal improvement stock should rise above its present selling price in the eastern cities; no alternative has been presented to my mind to meet the exigency but the hypothecation or sale of State bonds below par, which cannot be done under existing laws, but which would be preferable to the loss of honor or the prostration of the character and credit of the State.

The following table will exhibit the financial condition of the State, her indebtedness and resources, and the amount of interest to be paid on the internal improvement debt, on the first Monday of January next:

Amount of internal improvement stock sold for railroad and river improvements,	- - - -	\$3,187,000
Amount on account of railroad iron,	- - - -	500,000
£50,000 advanced by Messrs. Wright & Co. of London, amounting to near \$250,000, being part of \$1,500,000 of internal improvement bonds placed in the hands of said Wright & Co. as agent for Messrs. Rawlings & Oakley, Fund Commissioners,	- - - -	250,000
Amount due Bank of Illinois for money advanced, and interest on same, about	- - - -	238,000
Amount due State Bank of Illinois for same,	- - - -	50,000
Internal improvement scrip issued, about	- - - -	800,000
Unadjusted accounts with contractors for work done this year, and for damages, about	- - - -	300,000
Amount due Bank of United States for advances on shipments of railroad iron, &c., about	- - - -	20,000
<b>Total amount of debt on account of internal improvement,</b>		<b>\$5,345,000</b>
<b>Bank and internal improvement stock</b>	- - - -	<b>2,665,000</b>
<b>Total bank and internal improvement debt</b>	- - - -	<b><u>\$8,010,000</u></b>

For \$2,606,500 of the above internal improvement debt, bonds have been sold upon which interest is due in January next, exclusive of bank and internal improvement stock, amounting at that time to the sum of - - - \$78,195 00

The residue of the above indebtedness consists in internal improvement bonds sold and not paid for, moneys advanced by banks and debts due for internal improvement scrip, and to contractors, &c., amounting in the aggregate to 2,738,500 00

Illinois and Michigan Canal Stock sold,	- - - -	3,400,000 00
Amount due to Messrs. Wright & Co. for £30,000 advanced on contract with Judge Young, amounting, with interest, to	- - - -	150,000 00
Canal scrip issued last spring,	- - - -	400,000 00
<b>Total amount of Canal debt,</b>	- - - -	<b>3,950,000 00</b>

*Recapitulation.*

Total internal improvement debt,	-	-	-	5,345,000 00
Total bank stock,	-	-	-	2,665,000 00
Illinois and Michigan Canal debt,	-	-	-	3,950,000 00
Total amount of debt on account of banks, internal im-				
provements, and canal,	-	-	-	\$11,960,000 00
To which may be added, for revenue purposes, the follow-				
ing sums:				
Amount due school fund,	-	-	-	807,585 39
Amount due Bank of Illinois for advances on account of				
State House,	-	-	-	80,097 00
Amount due State Bank do., and for				
Auditor's warrants for current expenses, paid by State				
Bank,	-	-	-	190,000 00
Bonds sold to the Poughkeepsie Locomotive Engine Co.,				128,000 00
Liability on account of surplus revenue,	-	-	-	477,919 44

Total amount of liability,	-	-	-	\$13,643,601 83
Deducting from the above amount \$1,336,419 44, being				
the amount of surplus revenue, and bonds sold which are				
not paid for, and the State pays interest upon	-	-	-	12,207,182 39
Annual interest thereon,	-	-	-	732,430 92

Assuming that the resources of the canal and the bank div-				
idends will furnish the means to pay the interest accruing				
on their respective accounts for the next two years, the				
sum left unprovided for on account of internal improve-				
ments will be	-	-	-	4,764,500
Annual interest thereon,	-	-	-	285,870

The following unavailable debts are due to the internal improvement fund for bonds sold, and are included in the above table of indebtedness, but upon which interest is not computed:

From John Delafield, of New York,	-	-	-	\$433,000
" A. H. Bangs & Co,	-	-	-	50,000
" Bank of Commerce at Buffalo,	-	-	-	90,000
" Commercial Bank at Buffalo,	-	-	-	90,000
" Erie County Bank,	-	-	-	67,500

Amounting to	-	-	-	\$730,500
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To which unavailable resources may be added lands owned by the State also at present unavailable, 40.332 acres

The following resources of the canal at the present time may be considered as unavailable:

The amount due prior to 1840 from sales of town lots, and miscellaneous sales of wood and timber, \$1,047,654

For sales of land in June last, as per statement of the President of the Canal Board, 70,000

At the date of my last message, 270,182 acres of canal lands remained unsold, since which time I have received no report from the Board of Canal Commissioners, and consequently am unable to state the number of acres that has, subsequent to that time, been disposed of.

A failure to collect the amount due from John Delafield and others, or any part thereof, would render it impossible for the Fund Commissioner to pay the interest falling due on the first Monday of January next on the internal improvement debt, and is the sole cause of your being convened prior to the time fixed by the Constitution. A bill has been filed against Mr. Delafield in the Circuit Court of the United States for the southern District of New York, to restrain him from negotiating the bonds he received, as it is presumed he is neither willing nor able to pay for them. If this should prove true, the State is under no equitable or moral obligation to redeem them. While, therefore, I would admonish you to be sensibly alive to, and zealously watchful of her integrity and honor, I cannot believe she is in duty bound to fulfil an engagement where the other contracting party fails to comply with its conditions. The principles involved in this question have long been recognized by the highest judicial tribunals upon earth, as between individuals, and it would be difficult to discriminate between a case of that nature and the present.

The same reasons which govern the case of Mr. Delafield apply with equal force to the contracts with A. H. Bangs & Co. and the banks specified, should they pursue the same course. It is, however, probable that the Bank of Commerce at Buffalo will return the bonds she obtained to the State, and that the Commercial and Erie County Banks will discharge their liabilities in scrip.

The amount of \$128,000 of bonds was sold by Gov. Reynolds and General Rawlings to the Poughkeepsie Locomotive Engine Company, to be paid for in eight quarterly instalments of \$1600 each, at the Atlantic Bank of New York.

This negotiation was made under an act to authorize a loan for revenue purposes, to be applied to the erection of the state house, and the instalments were transferred, as they became due, to the Bank of Illinois for advances made by that institution for the above object. Four of these instalments are now due, but none of them being paid, suit was instituted by the bank for their recovery. Doubts, however, are entertained of the solvency of the company, and should it fail, the bonds received by it should be placed upon the same footing as those received by other delinquent purchasers.

Having laid before you the financial condition of the State, her available and unavailable resources, in comparison with her indebtedness, the dictates of sound policy require at your hands the adoption of the wisest and most judicious measures to relieve her present necessities, and provide for her future liabilities. It may truly be said, that no former period of our political history presented questions of such deep and absorbing interest. The future destiny of the State for weal or for woe depends upon the direction of the crisis. Unfortunately, at an unguarded moment, she was allured from the path of wisdom and economy by the seductive spirit of speculation, and the wild phrenzy of popular delusion, which spread over every part of the Union, and induced to embark in an extensive system of internal improvements at a period when the country was literally deluged with an inflated circulating medium, which gave the semblance of success to the most visionary and chimerical enterprises. But a general suspension of specie payments by the banks following close upon the



seemingly eminent and rapid advancement of the country, and the sudden united and continued withdrawal of their unnatural circulation, spread gloom and dismay, instead of permanent wealth and prosperity; and so extensive and overwhelming has been the change in monetary affairs, that its effects have operated like a spell upon every department of business throughout the country, and nothing but prudence and time, united with the energies and patriotism of the people, can overcome its withering and desolating consequences. With steady perseverance, however, and well directed industry, favored, as we are, with the most fertile soil upon the globe; with a vast extent of territory, susceptible of the most dense population, abounding with natural advantages, and intersected and surrounded with navigation, settled and settling with a population proverbial for their enterprize; can it be doubted that the State will gradually be redeemed from her embarrassments, and ultimately complete such portions of the system as wisdom may dictate, and our interest demand, and thus maintain her dignity and honor unimpaired? Surely her representatives will never consent to be placed in the humiliating attitude of being the first in the Union to abandon their plighted faith. Such an act would be contrary to their interest, derogatory to their pride and integrity, and too monstrously absurd to be for a moment entertained.

A renewal, however, of operations upon our public works, or any portion thereof, at the present time, seems to be forbid by the condition of our finances. The immense debt already fastened upon us, the impossibility of effecting a sale of State bonds at par, and the general derangement of financial affairs, present to my mind insurmountable obstacles to their further prosecution under existing circumstances. But should your wisdom dictate otherwise, and you determine to proceed with a portion of them, then the salutary lessons of experience we have had, and every principle of economy and public interest, point out the plan of operations too obviously to be misapprehended either as regards the present or any future period.

All the means and energy employed should be concentrated on the most useful and important road first, until that is completed, and then the next important, until all are finished.

By pursuing this course, the income upon the roads in operation would in all probability pay the interest upon their cost, and greatly facilitate the construction of others, while the comparative amount of money which might be required, could be obtained on more favorable terms. The question, therefore, naturally arises, whether we proceed with our internal improvement system or not, what policy can be adopted which will best subserve the present emergency, and promote the public weal in our future operations. Laying aside any doubt as it regards the payment of the January interest, which can only be done by the hypothecation or sale of State bonds at some price, how is a permanent fund to be provided to meet the future interest, and, eventually, the principal, as they respectively become due and payable.

The policy of paying the interest out of the money borrowed must ere long be abandoned, and the only alternatives which have suggested themselves to me is an increase of our banking capital, and a resort to direct taxation. The solution of these questions call into requisition the united wisdom of this General Assembly; and, in order to enable you to arrive at

a correct conclusion, and settle down upon a policy, the momentous consequences of which deeply involve the interest and patriotism of the people, too much care cannot be taken in adopting the line of action to be pursued. Shall the first alternative be adopted? The consequences attendant upon and inseparably connected with an increase of our banking capital, should be narrowly scanned and well weighed in the balance before venturing upon such a resort. In the first place, should that policy be pursued, the capital cannot be obtained without involving the State in an additional debt corresponding with the increase; and if obtained, could such a resource be relied upon to pay any portion of our liabilities beyond the interest accruing upon its own account? To insure such a result to an extent commensurate with the object for which it would be designed, you would necessarily be compelled to raise the interest upon bank accommodations to ten or twelve per cent., and in this way tax the people some five or six per cent. upon the whole amount of notes issued under such a system, the benefit of which would accrue as well to the private stockholder as to the State. Then, if the bank should be well managed, we might expect the highest dividends, but the late and repeated expansions, suspensions, and contractions of the banks generally, furnish ample proof that the paper system is fundamentally wrong in principle, destructive in practice, and at war with the best interest of the country, and the genius and spirit of our republican institutions. Its tendency and inevitable result is, to spread merely the appearance of prosperity for a season, and then gloom, revulsion, and distress; thus proving that it has no power to regulate and render stable the currency of the country.

Whatever plan may be devised to provide means to pay off the liabilities of the State, none can be adopted that will not operate as a tax upon the property and industry of our citizens; and it ought not to be concealed that if the vast debt which has been incurred on account of our internal improvements is ever paid, it must be done through the medium of taxation. The dictates of wisdom and prudence, as well as sound policy, therefore, require that the most simple and economical plan should be pursued; and it only remains to determine between a direct and an indirect mode. I am aware it has often been alleged that the people would not submit to a system of direct taxation; hence, the erroneous, ruinous and irrepublican policy of indirect taxation has crept into our institutions, and so fearful have legislators been of the indignation of their constituents that the sources of its origin have been carefully concealed; to which cause, more than any other, may be attributed the host of monopolies, with their train of desolating evils, that are fastened and preying upon the vitals of the country. By such an iniquitous system large and excessive revenues are collected, and, consequently, wild and extravagant appropriations made. If, in a Government like ours, based upon the virtue and intelligence, and administered by the will of its citizens, we are to be told that they will not tolerate the most economical, certain and effectual mode of discharging their liabilities, then, indeed, we are compelled, however reluctant, to subscribe to the federal doctrine of their incompetency to regulate their own affairs, and constrained to acknowledge that we only enjoy the name and shadow and not the reality of republicanism.

But being, as I am, firmly persuaded that they are always patriotic in their sentiments; instead of temporary expedients, I have no doubt they

would gladly embrace the most direct and judicious plan to relieve themselves from any embarrassments in which they may be involved. This would especially be true if they were always kept acquainted with their real condition, which would place them upon their guard, and enable them to avoid many calamities which otherwise would be entailed upon them. I cannot therefore, consistently with that duty I owe to the public welfare or my private feelings recommend to your favorable consideration an increase of our banking capital as a source of revenue or for any purpose whatever. I do not believe the people require it, or, if they did, that it would afford them any assistance.

The question hence arises whether we shall resort to direct taxation. I am clearly of opinion that it would be better to postpone the adoption of this policy for the ensuing two years. Although an increase of taxes may ultimately be inevitable, yet, under existing laws, the amount collected will annually become greatly enhanced.

The vast quantity of public lands entered in 1835, '6, '7 and '8, which are not yet taxable; the continued increase of wealth pouring into our State through the channels of emigration and trade, and the present scarcity of money, point out the propriety of making a loan to meet the interest upon our internal improvement debt until your next regular session.—The quantity of lands entered during the year 1835 and 1826 exceeds 5,229,227 acres. Estimating its value at \$5 per acre, the additional revenue which will annually arise from this source under the present law, after the expiration of one and two years will be \$52,292 26, and an undiminished augmentation from lands entered in 1837 and '8 will be continued, and so on continually, at a less rapid rate, however, for many years to come.

By setting apart, and exclusively applying the proceeds arising from this continual, unfailing and increasing source of revenue to the liquidation of the interest of our internal improvement debt, and by adopting rigid economy in the public expenditures of the State, the lands now taxable, together with the personal property, will ere long, yield a surplus, which added to the above resources, will go far towards the payment of that interest as it accrues. Under this policy the augmentation of taxes, when resorted to, would be comparatively of inconsiderable amount. In connection with this subject, I would suggest the propriety of reducing the county levies of taxes, and in the same, or less proportion, increasing the State taxes. By amending the revenue law so as to limit the county tax to one fifth, and increasing the State tax to one fourth per centum, the taxes would be reduced instead of increased, and the counties would still, with proper economy, be supplied with means to meet all necessary expenditures.

In the meantime, or before resort is had to an increase of taxes, the State may derive aid from other sources. Mr. Calhoun, of South Carolina, at the last session of Congress, introduced into that body a bill ceding to the States the public lands lying within their respective limits, on condition of their paying into the National Treasury, on the first of February annually, one half of the proceeds arising from the sales, reserving the other half to themselves. The adoption of this measure would be nothing but an act of justice to the new States, and coming, as it does, from a distinguished southern Senator, it exhibits the liberal and enlightened policy of the statesman. In view of its justice and propriety I would recom-

mend that you instruct our Senators and request our Representatives in Congress to use their endeavors to procure its passage.

The issue of scrip on account of the internal improvement system and canal, has resulted, like most other temporary expedients, in a great depreciation of its value, which is working a pernicious influence upon the interest and credit of the State. Large amounts of it have been purchased by speculators at prices greatly below par, to the injury of the community, to an amount corresponding with its depreciation, and but little hope can be entertained of advanced prices so long as its circulation is continued as an article of trade. I would, therefore, respectfully recommend the adoption of such measures as will provide the means for its earliest redemption.

In the month of March last, General Thornton and others, as a committee on the part of the canal contractors, visited me for the purpose of making arrangements to provide means to pay off the estimates as they would become due for the remaining part of the year; alledging that unless a positive assurance was given that the money would be forthcoming to meet these estimates, the contractors would be forced to abandon their contracts, and that in this event general distress and bankruptcy in most cases would ensue, and consequently great loss to the State. Knowing that bonds could not, at that time, be sold at par to raise money for that purpose, they proposed, on the part of the contractors, that bonds should be placed in the hands of suitable agents to the probable amount of the expenditures for the year, to be paid to them at par; to which I assented, conditioned that the bonds so paid should be placed in the hands of an agent whom I might approve, to be sold for their benefit in our eastern cities or a foreign market to which condition they assented, and I, therefore, placed in the hands of Gen. Thornton, Canal Commissioner, \$1,200,000 in bonds for that purpose, \$1000,000 of which has since been sold by him in London, as agent for the contractors, at the rate of eighty-five per cent., which has enabled them to prosecute the work on the canal throughout the season with energy and success, and, as I am informed, without loss, as the reduction in the price of labor, provisions and materials has equalled the fifteen per cent reduction on the bonds. Under the circumstances, I would suggest the propriety of the State incurring the expense and compensation of the agent while engaged in the performance of his agency. This would seem to be just and equitable, as the payment of bonds, instead of money, to the contractors, superceded the necessity, on my part, of employing an agent to sell them in a foreign market, and consequently threw the expense and responsibility of the negotiation upon the contractors themselves, besides the loss of fifteen per centum upon the whole amount of bonds sold. It is proper that I should here remark, that I exceedingly regretted the necessity of paying the contractors with bonds, but as money could not be raised by a sale of them at par, to meet the estimates on the canal as they became due, and the contractors proposed to receive them at that rate, and hazard a sale of them on their own account, I felt constrained from a sense of duty towards them, and good faith on the part of the State, to place the bonds in the hands of the Canal Commissioners for their benefit.

By an act of the 1st of February last, the Commissioners of the Illinois and Michigan canal were required "to sell so much of the canal lands and

lots the present year as were required to pay the interest on loans made for canal purposes." As early as April last the President of the Board verbally informed me that it would be impossible to realize money from the sale of these lands to pay the interest due in July following, and, consequently, other means were necessary to be resorted to to furnish the funds for that purpose. To meet the interest upon bonds sold prior to 1839 by Gov. Duncan, and payable in New York, the sum of \$30,000 was loaned by Col. Mather, President of the State Bank of Illinois, and to pay that portion of the interest falling due in Europe, a draft was drawn by Judge Young upon Messrs. John Wright & Co., of London, for £20,000, it being part of £30,000 advanced by said company on a contract for \$1,000,000 canal bonds entered into in October, 1839. £10,000 being the residue of the above £30,000 advanced by said Wright & Co. has been placed on deposit in the U. S. Bank, and I have instructed Judge Young to apply so much thereof as may be necessary for the payment of the interest becoming due in N. York on the first Monday of January next; and I am informed by Gen. Thornton that the means are provided to meet the interest due in London at the same time. As the contract with the Messrs. Wright & Co. was much animadverted upon by the last Legislature, notwithstanding I was convinced that no sale could be made more advantageous to the State at the time it was effected or during the present year, yet I hesitated much before assenting to its confirmation. Being, however, informed that no other means could be obtained to meet the July interest in London to prevent a forfeiture of good faith on the part of the State, I at once determined to confirm the contract. The residue of the bonds, after deducting the £30,000 advanced, still remain in the hands of Messrs. Wright & Co., and are as yet unavailable to the canal fund. If they are not sold prior to the 1st day of April next, the contract ceases by its own stipulations, and, in that event, no means are provided for the prosecution of the work on the canal for the ensuing year.

Subsequent to being informed by Gen. Thornton, that canal lands could not be sold to meet the July interest upon the canal debt, he communicated to me, that in June last, the Board effected a sale, to the amount of \$70,000.

Whether the money is available or not, I am uninformed, not having been furnished with the proceedings, or report of said Board during the year, which prevents me from laying before you as full and complete a statement, in relation to the progress and condition of the Canal, as I desired.

About \$2,245,000 of Canal stock has been sold under the act of 1839, leaving a balance, authorized to be sold by said act, of \$1,755,000; but the present depreciation of American securities does not afford a reasonable expectation that a sale can be made of the residue of the stock at par, in time to meet the wants of the Canal. The great amount already expended upon this stupendous work, and the vast sum yet required for its completion, a portion of which must be immediately had, presents a subject for your consideration well worthy of mature deliberation. The accruing interest upon the debt which has already been incurred, the delapidation of the work which has been done, and the destruction of fixtures and other preparations for its prosecution, the loss of

which must fall upon the State if it is abandoned, seems to forbid its suspension. It is, therefore, submitted to your wisdom and discretion what means are to be provided for its future progress. In view of the difficulties to be encountered in obtaining money, I would renew my former recommendation of selling so much of the Canal lands as will be sufficient to pay the accruing interest upon its debt.

Rigid accountability being essential to the fidelity of public officers, I feel it my duty again to recommend a thorough and rigid scrutiny into the conduct of all those connected with the management of our finances.

It again becomes my duty to call your attention to the suspension of specie payments by the State Bank, and the Bank of Illinois, at Shawneetown. The frequent failures of institutions of this character to meet punctually their engagements, solemnly admonish us that they can never be of any permanent utility, until the security to the public that their notes will be redeemed upon presentation, is increased, and they are thrown entirely upon their own resources, instead of Legislative indulgence. Twice, in the short space of two years, have they violated their obligations, and twice has that violation received legislative sanction. It is to be hoped, however, that a similar occurrence will not again take place, and that our Banks will prepare for resumption of specie payments at an early day, and, at least, take care of themselves for the future.

Having found no cause to change my sentiments in relation to the banking system generally since the date of my last message, it is unnecessary that I should enter upon that subject at length on the present occasion. The pernicious consequences inflicted upon the country by the operations of Banks, within the last few years, is too indelibly stamped upon every department of business to be misapprehended by the most sceptical. The fluctuation in the prices of labor, property and trade of every description, have kept pace with the alternate expansions and contractions of their issues; and whether the injuries thus sustained are attributable to their guilt or innocence, the effect upon the prosperity of the people is the same. So interwoven have the affairs of our citizens become with those institutions, that it cannot be denied that they control and direct the circulating medium, commerce and wealth of the country; and not only so, they frequently wring from legislative bodies an acknowledgment of their utility, and exercise an influence over the public mind which it is difficult to overcome. Thus have they fortified themselves behind an almost invulnerable rampart, erected by encroachment, and justified by the tyrant's plea, "necessity."

Usurpations of whatever character are usually preceded with the persuasion that they are essential to the advancement of the people in the scale of prosperity and happiness; and in this way they are stripped of their rights, and bound in the chains of political slavery before they are aware of the danger. To guard against such startling power, concentrated in Banks, all the virtue and energy of the patriot must be called into action, and constant requisition. Already one important blow has been struck for the severance of this power from the Government: its deadly grasp was broken by the adoption of the Independent Treasury. If this salutary measure of public safety continues in operation, it will exercise a healthy and controlling influence upon their issues, limit the

amount collected to the wants of the Government, and teach them the necessity of relying entirely upon their own resources. If they are deprived of the public revenue, and, consequently, a participation in the management of a momentous department of public business, it will be impossible for them successfully to attribute their revulsions and suspensions to the existing administration. The whole world would know the fault was alone their own, and their labors to conceal it would add a deeper stain to their guilt. However true the argument, that they afford facilities to trade and commerce, the conclusion would be preposterous, that these facilities would be more certain and useful if they were connected with the management of our national finances.

Being convinced of the propriety of providing a fair compensation for prosecuting attorneys, I regard an increase of their salaries as absolutely necessary to the advancement of the public welfare. It will be impossible to command the best talents of the State, in the administration of justice, which is highly essential, if a fair and just equivalent is not held out for the enlistment of that talent. The adoption of this course, instead of being a useless expenditure of money, would, I have no doubt, conduce to that economy, which is imperiously demanded by our condition.

Although I know of no instance of any individual coming from another State into ours to vote, yet I have been informed from sources in which I place the utmost reliance, that extensive arrangements were concerted among a portion of the citizens of another State to come into Illinois for that purpose at our recent election for President and Vice President. In view of the danger to which we are exposed from such innovations along the borders of the State swept by the Mississippi and Ohio rivers, I feel it my duty to recommend the passage of a law, providing for the apprehension and rigid punishment of offenders who may invade the rights of the elective franchise. The startling frauds which have recently been perpetrated in New York and other places for the destruction of these sacred rights, I regard as little better than high treason, and striking a deadly blow at the foundation of the government.

A frequent recurrence to fundamental doctrines being essential to the perpetuity of free government, it is a matter of the first consideration, that we keep the respective political rights of the Union, the States, and the people clearly defined. The security of each depends upon the separation and well regulated balance of power between them; and care should, therefore, be taken to prevent strengthening the arm of the Confederacy. Congress should exercise no power but such as has been expressly delegated, or is absolutely necessary to carry the delegated power into effect. There is certainly no necessity for encroachments upon state sovereignty or individual privileges. If the General Government will protect us from foreign invasion and domestic insurrection, the great object of its formation, and deal out justice with an impartial hand, it is all we can expect or desire. The one will leave us in the quiet enjoyment of our pursuits, while the other will afford us no cause of complaint. But when it draws within its grasp powers never surrendered to it, and adopts partial legislation as the rule of its action, then, indeed, it is verging rapidly to monarchy, and may justly alarm the fears of the patriot.

The idea that the people should look up to it for assistance in times of pecuniary distress, is most revolutionary in its tendency, and this revolution is speeded in its object when the laws are directed to the promotion of private interest, instead of the general good. Hence, the various and diversified charters granted to monopolizing companies, are sapping the foundation of the Republic, destroying the equality of citizens, and creating distinctions in society. In the pure republican days of the Revolution, merit and demerit, virtue and vice, alone drew the line of separation between one man and another: now the pampered fed monopolist scorns an association with honest poverty. Why is this? It is because the Government lost sight of the object of its formation, and by venturing upon special grants of power, gave rise to a modern aristocracy, who are mere consumers, living on the productions of the poor man's labor; and although the pernicious effects of such legislation may be unobserved by many, still it is leading to the most fatal consequences—I fear to civil revolution.

Ours was intended to be a government of limited power, plain in its construction, and economical in its administration; not one of unbounded sway, special privileges, hereditary descents, titles and nobility. Yet its frequent inroads upon individual rights, and the sovereignty of the States, furnish living memorials of its increasing strength, and solemnly warn us to be vigilant and active in the maintenance of our independence. Although the virtue and patriotism of the people were enabled to triumph over a National Bank, the alien and sedition laws, and their kindred acts, they may yet yield their freedom to the same despotic spirit, which, always restless, and never wearied in its exertion for conquest, approaches them under various disguises. Fearful of an appeal to their reason, resort is had to show and parade to inflame their passions; thus proving that, while their influence is courted, the utmost contempt is entertained for their intelligence. The history of all republics which have preceded us bear evidence to the fact, that the wily and ambitious usually resort to such resources to corrupt the public mind and public morals previous to seizing upon the reins of supreme authority; and if we do not guard ourselves against such insidious devices, we will lose our liberties in the same way, and have nothing but the wreck of a violated Constitution, and a ruined country to transmit as a legacy to our children. Let the Government be free from monopolies and the influence of wealth, just in its administration, and economical in its expenditures, liberal in its policy, and free from encroachments, taking care of itself, and leaving the people as much as possible to the enjoyment of their own pursuits, and it will insure its own perpetuity, and the freedom of its citizens.

Having called your attention to various interests of the State which presented themselves to my mind as worthy of your first consideration, I doubt not that such as I have omitted will be suggested by your own wisdom. Hoping that you may be guided by patriotism in all your deliberations, and a sincere desire for the promotion of the public welfare, and that your labors may be crowned with signal success, I take my leave of you with earnest benedictions to Almighty God for your happiness individually and collectively.

THO. CARLIN.

*SPRINGFIELD, November 26, 1840.*



On motion of Mr. Moore,

Said message was laid on the table, and 5,000 copies thereof ordered to be printed for the use of the Senate.

Mr. Gatewood, from the select committee to which was referred the petition of John Crenshaw in relation to the saline lands in Gallatin county, reported a bill, entitled "An act to provide for the manufacture of salt at the Gallatin Saline;" which was read, and

*Ordered* to a second reading.

Mr. Gatewood moved to dispense with the rule of the Senate, and that said bill be now read a second time by its title; which was not agreed to.

On motion,

The Senate adjourned.

### FRIDAY, NOVEMBER 27, 1840.

Senate met pursuant to adjournment.

Mr. Fithian, on leave given, presented the petition of the inhabitants of range ten, township nineteen, in Vermilion county, praying for the sale of school lands situated therein; also, the petition of the inhabitants of range ten, town nineteen, in Vermilion county, praying to be attached to range eleven, town nineteen, for school purposes, and,

On motion of Mr. Fithian,

The reading of the same was dispensed with, and referred to the committee on School Lands and Education.

Mr. Allen moved the adoption of the following resolution, viz:

*Resolved*, That the committee on School Lands and Education be instructed to make a digest of the statutes which are in force, relating to common schools, and that they make such alterations and further provision therein that they may deem proper; which was read and adopted.

Mr. Fithian moved the adoption of the following resolution, viz:

*Resolved*, That so much of the Governor's message as relates to the subject of providing means for the payment of interest which will fall due on the first Monday of January next on the internal improvement debt, be referred to the committee on Finance; which was read and adopted.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolutions, in the adoption of which they ask the concurrence of the Senate.

*Resolved*, That the Senate be respectfully requested to exchange places of convening with this House for a short time on account of the impossibility of the House discharging its business in so small a place as the Methodist church.

*Resolved*, That a committee of two on the part of this House, be appointed to meet such committee as may be appointed by the Senate, to carry into effect the resolution passed by the House relative to an exchange of rooms, and that Messrs. Cavarly and Kitchell, are appointed said committee on the part of the House. And he withdrew.

Mr. Snyder moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Internal Improvements inquire into the expediency of reporting a bill abolishing the offices of the Commissioners, Secretary, Clerks and Engineers, of the Board of internal improvements, and to appoint some person to take charge of the books and papers and all other public property.

Mr. Sargent moved to amend the same by adding the words:

“And also to repeal all laws authorizing the system of internal improvements;” which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Davidson, Fithian, Hamlin, Harrison, Houston, Hunter, Killpatrick, Little, Ross, Sargent, Snyder and Stapp—14.

Those voting in the negative, are,

Messrs. Churchill, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, James, Johnston, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, Witt, and Wood—21.

And the question then recurring on the adoption of the resolution, It was decided in the affirmative.

On motion of Mr. Richardson,

*Resolved*, That the committee on Public Buildings inquire into the expediency of repealing so much of the law in relation to public buildings as appoints three Commissioners, and that they report by bill or otherwise.

On motion of Mr. Gatewood,

*Resolved*, That the Board of Public Works report to the General Assembly, in full, their proceedings of the last year, the amount of scrip issued, and amount of property belonging to the State, as speedily as possible.

On motion of Mr. Stapp,

*Resolved*, That the committee on Internal Improvements, be instructed to inquire into the expediency or inexpediency of selling all railroad iron and other materials belonging to the State, in such manner as will best insure the iron and materials to bring something near their true value.

On motion of Mr. Pearson,

*Resolved*, That the State House Commissioners report to the General Assembly as soon as possible an account of all monies expended, how expended, and all other matters and things in relation to the duties of their office.

Mr. Pearson moved the adoption of the following preamble and resolution, viz:

Inasmuch as it has been represented by individuals in and out of this State, and by newspaper publications, that the State of Illinois would, at this session of the Assembly, repudiate her contracts, although fairly entered into—and be unwilling as well as unable to pay the interest thereon; therefore,

*Resolved by the General Assembly of the State of Illinois*, That we consider all contracts made in pursuance of law by our agents, when the consideration has been received, as valid and binding upon the people of Illinois, and that common honesty and the honor of the State, demand a strict and punctual fulfilment on our part in every particular, as we shall expect

and require the same of individuals or corporations with whom or with any these contracts may have been made; which was read, and,

On motion of Mr. Gatewood,

Referred to the committee on the Judiciary.

On motion of Mr. Fithian,

*Resolved*, That the Auditor of Public Accounts be required to report to this Senate, a statement showing the original number of acres of land in the tract known as the Gallatin saline lands, the amount of said lands sold or otherwise disposed of up to the time of reporting, the amounts now due the State from Commissioners or others, particularly noting the names of persons from whom amounts are found to be due, when due, and for what; also, what disposition in his opinion might, with most advantage to the State, be now made of the interest of the State in the Gallatin saline lands; and also, whether there are any other saline lands in this State in which the State yet retains an interest.

On motion of Mr. Nunnally,

*Resolved by the Senate*, That the Auditor of Public Accounts report to the Senate the amount of money received on the school and college funds, since the 1st December, 1838, the aggregate amount of the school, college and seminary funds at this time, the amount of interest distributed among the several counties for school purposes on the first day of January, 1840, and the amount to be distributed on the 1st January, 1841.

On motion of Mr. Richardson,

*Resolved*, That so much of the Governor's message as refers to illegal voting in this State by citizens of other States at elections, be referred to the committee on Elections.

On motion of Mr. Davidson,

*Resolved*, That the Sergeant-at-arms be required to provide comfortable seats in the lobby for the use of visitors.

Mr. Monroe moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Canals and Canal Lands be instructed to report a bill to suspend all laws authorizing the construction of the Illinois and Michigan canal; which was read, and,

On motion of Mr. Monroe,

Laid on the table.

Mr. Moore asked and obtained leave, to introduce a bill, entitled "An act to vacate the town plat of the town of Livingston;" which was read, and

*Ordered* to a second reading.

Mr. Little asked and obtained leave, to introduce a bill, entitled "An act to incorporate the city of Nauvoo;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

Mr. Ralston asked and obtained leave, to introduce a bill, entitled "An act to amend an act, entitled 'An act to incorporate the city of Quincy,' approved February 3, 1840;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Little, on leave given, introduced a bill, entitled "An act to limit the duration of the office of clerks of the circuit courts;" which was read, and

*Ordered* to a second reading.

Mr. Ross moved to dispense with the rule of the Senate, and that the bill be now read a second time; which was not agreed to.

Mr. Snyder, from the joint select committee, to draft rules, &c., made the following report, viz:

The joint select committee, appointed by the Senate and House of Representatives to report joint rules for the government of both Houses of the General Assembly, have instructed me to report that they recommend the adoption of the rules of the last session of the Legislature; and,

On the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

On motion of Mr. Hacker,

The Senate then proceeded to the election of an assistant Sergeant-at-arms; when the vote stood thus:

Those who voted for Nimrod Hazlewood, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Moore, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt and Wood—20.

Those who voted for Joseph Warren, are,

Messrs. Churchill, Cullom, Davidson, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Warren—12.

Those who voted for T. Evans, are,

Messrs. Fithian, Nunnally and Slocumb—3.

And thereupon, Nimrod Hazlewood having received a majority of all the votes given, was declared duly elected assistant Sergeant-at-arms of the Senate of the twelfth General Assembly of the State of Illinois.

The bill, entitled "An act to provide for the manufacture of salt at the Gallatin saline," was read a second time, and,

On motion of Mr. Davidson,

Referred to the committee on Salines and Saline Lands.

On motion,

The Senate adjourned until Monday, 10 o'clock.

MONDAY, NOVEMBER 30, 1840.

Senate met pursuant to adjournment.

Mr. Herndon, Senator from the counties of Sangamon, Menard, Logan and Christian, appeared and took his seat.

Mr. Speaker laid before the Senate the following communication, viz:

STATE HOUSE COMMISSIONERS' OFFICE,  
Springfield, November 30, 1840.

To the Hon. the SPEAKER of the Senate:

SIR: I am instructed by the Board of State House Commissioners to say in reply to your resolution of the 27th inst., calling for a report of all matters and things relating to our office, that such a report as called for will be made to the General Assembly in the course of ten days at most, and sooner if possible. The preparing the Hall for the reception of the House of Representatives has prevented our making a *definite* report at the opening of the special session.

I am also directed by the Board to say, that it was not their wish or desire to have the Senate adjourn over until Monday for the purpose of giving them an opportunity of rendering the Senate chamber more comfortable, although so informed by Mr. Job. So far from this being the case they regarded the plastering of the ceiling of the gallery as not only unnecessary to the comfort of the Senate, but a useless waste of time and money (as the finishing of the gallery would entirely destroy it) besides retarding our progress in the Hall of the House of Representatives, the fitting up of which is now so much needed. I am further instructed to say that intimations coming from Mr. Job, are not generally expressive of the wishes or intentions of the Board.

Very respectfully,

Your obedient servant,

A. G. HENRY.

Which was read, and,

On motion of Mr. Ralston,

Referred to the committee on Public Buildings.

Mr. Cullom presented the Petition of sundry citizens of Tazewell county praying for a division of said county.

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on counties.

Mr. Snyder, from the committee on the Judiciary, to which was referred a resolution in relation to the payment of interest on loans and the fulfilment of all contracts of the State, reported the same back with an amendment, in the adoption of which they ask the concurrence of the Senate. They amend as follows:

Strike out all after the word "represented" and insert the following:

"That the State of Illinois would, at this session of the Legislature, repudiate her contracts, although fairly entered into, and be unwilling as well as unable to pay the interest on her loans;" therefore,

*Resolved by the General Assembly of the State of Illinois*, "That we consider all contracts made in pursuance of law by our agents, when the consideration has been received, as valid and binding upon the people of the State of Illinois, and that common honesty and the honor of the State demand a strict and punctual fulfilment on our part in every particular, as we shall expect and require the same of individuals or corporations with whom contracts may have been made;" which was read and concurred in.

And the question recurring on the adoption of the resolution as amended,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Houston, James, Johnston, Kilpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—36.

Nays—none.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the Governor, by Mr. Morris:

*Mr. Speaker*: I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Mr. Parrish, from the committee on Salines and Saline Lands, reported back the bill, entitled "An act to provide for the manufacture of salt at the Gallatin saline," without amendment, and recommend the passage of the same.

*Ordered* to be engrossed for a third reading.

On motion of Mr. Monroe,

*Resolved*, That the Governor of this State be requested to furnish the Senate with all the information in his power relative to the late sale of State Bonds to the agent of the canal contractors, whether or not said bonds were sterling bonds payable in London, and if so, whether or not said contractors paid, or are to pay the State the difference of exchange between the State of Illinois and the place of payment.

On motion of Mr. Monroe,

*Resolved*, That the committee on Finance, be instructed to inquire into the legality of the late sale of State bonds by the Governor of this State, to Gen. Thornton, agent of the canal contractors; whether or not said bonds were received by said contractors at the par value as contemplated by law, and report thereon.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in which they ask the concurrence of the Senate.

*Resolved*, That so much of the Governor's message as relates to the elective franchise, and the frauds which have been committed in this and other States in relation thereto, be referred to a joint select committee, consisting of three members of the Senate, and five members of the House of Representatives, who shall institute an investigation into the frauds which may have been perpetrated at the recent elections in this State; collect as far as possible the evidences and instances thereof, and report a summary of the same with their opinion thereon; and that Messrs. McClernand, Dodge, Drummond, Wheeler, and Edwards, be said committee, on the part of the House. And he withdrew.

On motion of Mr. Gatewood,

*Resolved*, That the Fund Commissioner be requested to report to the Senate as early as possible the success he may have had in his negotia-

tions, and also, to report to the Senate the amount of interest due on the 1st. January, 1841, and what are the available means to pay the same.

On motion of Mr. Stapp,

*Resolved*, That the Fund Commissioner be required to report forthwith to the Senate, whether or not the \$50,000, in the hands of Judge Young and Gov. Reynolds at the date of his report of Aug. 20, 1840, has been, by those gentlemen or either of them, paid over to the Fund Commissioner, and if not paid, whether or not the Fund Commissioner has made demand for the same, and if demanded and not paid, what reasons were offered for refusing to pay; and also, if within the knowledge of the Fund Commissioner, how long said \$50,000 has been in the hands of said Young and Reynolds or either of them previous to his said report.

Mr. Gatewood moved the adoption of the following resolution, viz:

*Resolved*, That the Governor be requested to inform the Senate whether the loan of three hundred thousand dollars and interest, made from the internal improvement fund to the canal, by a law passed January 21, 1839, has been paid or not, and if not paid to communicate the reasons why it has not been paid; which was read, and,

On motion of Mr. Hacker,

Laid on the table.

Mr. Ross, on leave given, introduced a bill, entitled "An act limiting the duration of the office of Secretary of State;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, and the resolution calling upon the Governor for information in relation to the loan to the canal fund, was taken up, read and adopted.

Mr. Monroe, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act concerning the public revenue,' approved February 26, 1839;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Sargent, on leave given, introduced a bill, entitled "An act to repeal the system of internal improvements;" which was read, and

*Ordered* to a second reading.

Mr. Stadden, on leave given, introduced a bill, entitled "An act to vacate a part of the plat of Vermilionville, in La Salle county;" which was read, and

*Ordered* to a second reading.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act to amend an act to provide for the election of probate justices of the peace, approved March 4, 1837;" which was read, and

*Ordered* to a second reading.

Mr. Stapp, on leave given, introduced a bill, entitled "An act concerning groceries;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and,

On motion of Mr. Ross,

Referred to the committee on Finance.

Mr. Monroe, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,' approved February 3. 1827;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Moore, on leave given, introduced a bill entitled "An act making school commissioners elective by the people;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Elections.

Mr. Herndon, asked and obtained leave to introduce a bill, entitled "An act to provide for the appointment of school commissioners;" which was read, and

*Ordered* to a second reading.

Mr. Stadden, on leave given, introduced a bill, entitled "An act for the relief of the inhabitants of town thirty-three, north of range three, east of the third principal meridian;" which was read, and

*Ordered* to a second reading.

The bill, entitled "An act to vacate the town plat of the town of Livingston," was read the second time, and,

On motion of Mr. Moore,

Referred to a select committee.

*Ordered*, That Messrs. Moore, Stadden and Nunnally be that committee.

The bill, entitled "An act to limit the duration of the office of clerks of the circuit courts," was read the second time;

Mr. Gatewood moved to refer said bill to the committee on the Judiciary.

Mr. Richardson moved to lay the same on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Davidson, Evans, Feaman, Gaston, Gibbs, Hamlin, Houston, Hunter, James, Johnston, Monroe, Moore, Nunnally, Parish, Pearson, Ralston, Richardson, Snyder, Stadden and Wood—22.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Fithian, Gatewood, Hacker, Harrison, Herndon, Killpatrick, Little, Markley, Ross, Sargent, Slocumb, Stapp, Warren and Witt—16.

The message from the House of Representatives, containing the resolutions in relation to the proposed exchange of the place of convening of the two Houses, was taken up, and,

On motion of Mr. Richardson,

Laid on the table.



The resolution contained in the message from the House of Representatives, having for its object the appointment of a joint select committee for the investigation of frauds which may have been perpetrated at the recent elections in this State, was taken up and read;

Mr. Sargent moved to amend the same by adding,

"And that said committee have power to send for persons and papers;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Fithian, Gaston, Hacker, Hamlin, Harrison, Herndon, Houston, Johnston, Little, Markley, Monroe, Ralston, Ross, Sargent, Slocumb, Stadden, Stapp and Warren—21.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gatewood, Gibbs, Hunter, James, Killpatrick, Moore, Nunnally, Parrish, Pearson, Richardson, Snyder, Witt and Wood—17.

Mr. Davidson moved to amend by striking out the words "and other States;" which was not agreed to.

Mr. Davidson moved further to amend by adding the following, viz:

"And that said committee be required to report a bill enacting rigorous penalties for an abuse or violation of the elective franchise in this State;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Gatewood, Hamlin, Harrison, Houston, James, Johnston, Killpatrick, Little, Markley, Monroe, Nunnally, Parrish, Pearson, Ross, Sargent, Slocumb, Stapp, Warren and Witt—27.

Those voting in the negative, are,

Messrs. Evans, Gibbs, Hacker, Hunter, Moore, Ralston, Richardson, Snyder, Stadden, and Wood—10.

Mr. Baker proposed to amend said resolution by inserting in the proper place the following, viz:

"And that whereas, it has been confidently alledged that frauds have been committed in the county of Sangamon, the said committee are directed to commence their investigation in said county, and report as to said county as soon as said investigation shall be concluded in said county;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Ross, Sargent and Stapp—12.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood—24.

Mr. Hacker moved to reconsider the vote just taken upon the amendment proposed by Mr. Sargent; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Evans, Fithian, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, Stapp, and Warren—14.

The question then recurring on the adoption of the proposed amendment,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Little, Monroe, Ross, Sargent and Stapp—11.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood—25.

On motion of Mr. Gatewood,

The vote just taken upon the adoption of the amendment proposed by Mr. Davidson was reconsidered.

And the question recurring upon the adoption of the proposed amendment,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Witt—14.

Those voting in the negative, are,

Messrs. Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren and Wood—23.

The question then recurring upon concurring with the House of Representatives in the adoption of the resolution,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Evans, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—31.

Those voting in the negative, are,

Messrs. Cullom, Little and Monroe—3.

*Ordered*, That Messrs. Ralston, Davidson and Richardson be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Speaker announced that the communication just received from the Governor was upon executive business, and would be acted upon with closed doors.

Whereupon,

On motion of Mr. Hacker,

*Resolved*, That the communication now before the Senate be acted upon with open doors.

Which communication was read as follows:

EXECUTIVE DEPARTMENT,

Springfield, Ill., November 30, 1840.

To the Senate of Illinois:

I nominate Stephen A. Douglass to be Secretary of State.

THO. CARLIN.

Mr. Richardson moved the adoption of the following resolution, viz:

*Resolved*, That the Senate do now advise and consent to the nomination of Stephen A. Douglass, to be Secretary of State.

Mr. Davidson moved to amend the resolution by striking out all after the word "Resolved," and insert the following, in lieu thereof, viz:

"That the power of the Executive of this State, to nominate and appoint a Secretary of State unless in case of a vacancy, having been fully decided by the Supreme Court of this State, and the Senate not having been advised of a vacancy in said office; therefore,

*Be it further resolved*, That the Senate do not advise and consent to the nomination of Stephen A. Douglass as Secretary of State;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt and Wood—23.

The question then recurring on the adoption of the resolution;

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Warren—15.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 1, 1840,

Senate met pursuant to adjournment.

On motion of Mr. Pearson,

*Resolved*, That the committee on the Judiciary, report a bill specifically defining the powers of all towns corporate in Illinois, so that the laws in relation to them may be uniform. That the committee also report, if in their opinion the ordinances as adopted by the several cities in Illinois be consonant with Constitutional law and justice.

Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in the passage of which they ask the concurrence of the Senate.

*Resolved,* That a joint select committee of three on the part of the House and two on the part of the Senate, be appointed to inquire into the expediency of repealing all laws providing for the removal of the Seat of Government from Vandalia to Springfield, and to provide for the removal of the Seat of Government back to Vandalia until the State debt is paid, and that they report by bill or otherwise.

*Ordered,* That Messrs. Bentley, Hankins and Bradford, be the committee on the part of the House. And he withdrew.

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved,* That the committee on the Judiciary be instructed to inquire whether or not, in their opinion, the law which passed in the year 1827, making probate justices of the peace elective by the people is constitutional or not, and that they report by bill or otherwise.

Mr. Monroe moved to amend the same by striking out all after the word "Resolved," and insert the following in lieu thereof, viz:

"That the committee on the Judiciary be instructed to inquire into the expediency of restoring to the Governor all power and patronage which he has been illegally deprived of by the action of the Legislature;" which was not agreed to.

And the question recurring on the adoption of the resolution, It was decided in the affirmative.

On motion of Mr. Parrish,

*Resolved,* That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws relating to the county commissioners courts, so as to give them judicial powers over assaults and batteries, affrays, pleas of debt and appeals from justices of the peace, &c., when the amount does not exceed two hundred dollars.

On motion of Mr. Hacker,

*Resolved by the Senate, the House of Representatives concurring herein,* That a joint select committee of five, two on the part of the Senate and three on the part of the House, be appointed, whose duty it shall be to prepare and report a memorial to Congress in favor of establishing a Marine Hospital at the city of Cairo, in the county of Alexander, in the State of Illinois.

*Ordered,* That Messrs. Hacker and Baker be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Pearson,

*Resolved by the Senate, the House of Representatives concurring herein,* That so much of the Governor's message as relates to the proposition of Mr. Calhoun, to cede the public lands to the several States in which they lie, be referred to a select committee of five, two on the part of the Senate and three on the part of the House, to draft a memorial to Congress, praying the passage of a law having for its object the proposition of that Senator; and also, instructing our Senators and requesting our Representatives in Congress to use their endeavors for the passage of the said law

with due and proper modifications to protect the interest of the new States.

*Ordered*, That Messrs. Pearson and Hacker, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Gatewood moved the adoption of the following resolutions, viz:

*Resolved*, That the committee on Finance be, and they are hereby, authorized to employ some competent clerk to assist in the labor of collecting and compiling a true and correct statement of the finances of the State, and to distinguish the various liabilities of the State.

*Resolved*, That the said committee be instructed to make a correct report of the true condition of the State, and to show to what particular undertaking, enterprize, management or mismanagement, the State is indebted.

*Resolved also*, That said committee be required to report whether the report of the Fund Commissioner, as copied by the Governor in his message, is a true statement of our financial embarrassment; which was read,

Whereupon, Mr. Davidson called for a division of the question;

And the question being first taken upon the adoption of the first resolution;

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Gaston, Gatewood, Gibbs, Hacker, Herndon, Hunter, James, Little, Moore, Parrish, Pearson, Richardson, Stadden and Witt—16.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hamlin, Harrison, Johnston, Killpatrick, Markley, Monroe, Nunnally, Ralston, Ross, Sargent, Slocumb, Snyder, Warren and Wood—20.

The question then recurring on the adoption of the second and third resolutions,

Mr. Gatewood moved to lay the same on the table; which was not agreed to.

Mr. Davidson moved to amend by striking out of the second resolution the words "said committee," and insert "committee on Finance," in lieu thereof; which was decided in the affirmative.

Mr. Allen moved further to amend by striking out the 3rd resolution; which was not agreed to.

And the resolution, as amended, was read and adopted.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Monroe,

*Resolved*, That so much of the Governor's message as relates to the late

sale of State Bonds for canal purposes, be referred to the committee on Finance.

Mr. Allen moved to dispense with the rule of the Senate for the purpose of taking up a bill, some days since laid on the table, entitled "An act to limit the duration of the office of clerks of the circuit courts;" which was not agreed to.

On motion of Mr. Witt,

*Resolved by the Senate*, That the committee on Finance be instructed to inquire into the expediency of making sale of the railroad iron, or hypothecating the same for the purpose of paying the interest on the internal improvement debt falling due on the first day of January next, and that they report by bill or otherwise.

Mr. Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

AUDITOR'S OFFICE, ILLINOIS,

Springfield, November 30, 1840.

To the Hon. the SPEAKER of the Senate.

SIR: In compliance with the resolution of the Senate calling for information relative to the school, college and seminary funds, I have the honor to submit the following statement, viz:

Amount of school, college and seminary funds, received from the 1st. December, 1838, up to the present time, is	- - - - -	\$87,900 78
Total amount of school, college and seminary funds at this time, is	- - - - -	\$807,685 39
Amount of interest distributed on the 1st of January, 1840	- - - - -	\$44,326 60
Amount of interest to be distributed on the 1st of January, 1841	- - - - -	\$46,053 61

I have the honor to be, Sir,

Your obedient servant,

LEVI DAVIS,

Auditor Public Accounts.

Which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

AUDITOR'S OFFICE, ILLINOIS,

Springfield, December 1, 1840.

To the Hon. the SPEAKER of the Senate.

SIR: In compliance with a resolution of the Senate requiring the Auditor to furnish certain information relative to the Gallatin and other salines I have the honor to submit the following information.

The quantity of land in the Gallatin Saline Reserve was reported originally to be 100,000 acres, but the precise quantity on actual survey I have not the means of knowing. The number of acres sold up to the present time as appears from the reports of Commissioners of sales on file in this office, is 93,903 acres.

The following sums appear to be due from the avails of said saline viz:

From the securities of James Caldwell, Commissioner of sales	\$1,303 28
From the securities of Tyler D. Hewitt, " "	2,844 29
From the lease to Timothy Guard, from December 4, 1834,	
to December 4, 1840, - - - - -	1,500 00
From the lease to Benjamin White, from December 4, —	
to December 4, 1836, - - - - -	200 00
	<hr/>
	\$5,847 57
	<hr/>

The amount due from Tyler D. Hewitt was originally \$4,419 51. The account for this amount was placed, about two years since, in the hands of Samuel D. Marshall, Esq. the circuit Attorney of the 3d Judicial Circuit, who instituted suit upon, and collected the sum of \$1,575 22, which reduced the amount to the sum above stated. Mr. Marshall advised me that the whole amount could be realised when the estate of Hewitt should be finally settled.

There appears upon the books of this office to be due from Willis Hargrave, agent of the said Saline, the sum of \$36,151 99, for rents and metal. This account accrued previous to my coming into the Auditor's office, and since that time there have been efforts made on the part of the Legislature to adjust it, but nothing was finally done, and the account still remains in the same situation. The most of this account is for metal and the difficulty in adjusting it arises from the fact, that the agent never made any reports to the Auditor's office.

The only salines in which the State retains an interest are the Gallatin and Big Muddy. The Vermilion and Bond county salines have been entirely disposed of. The Big Muddy yields no revenue to the State, and the period for which it was leased expires this day, and so far as I am advised it would be better that it should be sold.

In regard to the Gallatin saline, I do not feel competent to advise what course would be most proper to adopt in the disposition of it. Considering the time spent in legislating upon this subject at almost every session, and the small amount of revenue which will arise from it, I have no doubt that in making some final disposition of it at this session, the Legislature would promote the interest of the State.

In my opinion the most proper disposition which could be made of it would be to sell it upon such restrictions and conditions as would prevent any monopoly on the part of the purchasers, and secure our citizens against any exorbitant prices which they might manufacture.

I have the honor to be, Sir,

Your obedient servant,

LEVI DAVIS,

*Auditor of Public Accounts.*

Which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

On motion of Mr. Gaston,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of reporting a bill giving to actual settlers a pre-emption when any part of their farms have been entered by the State under the internal improvement laws.

The engrossed bill, entitled "An act to provide for the manufacture of salt at the Gallatin saline," was read the third time;

Mr. Monroe moved to again refer the same to the committee on Salines and Saline Lands, with instructions to report a bill for the sale of the remaining salines and saline lands, to provide the means to carry into effect the appropriations made to counties by "An act, entitled 'An act relating to the Gallatin salines and lands belonging to the same,' approved January 16, 1836;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Killpatrick, Markley, Monroe, Ross, Sargent and Warren—12.

Those voting in the negative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Herndon, Hunter, James, Johnston, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Stapp, Witt and Wood—25.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hunter, James, Johnston, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt, and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Harrison, Killpatrick, Markley, Monroe, Ross, Sargent, Stapp and Warren—12.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of the same.

Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in the passage of which they ask the concurrence of the Senate.

*Resolved*, That a joint select committee of three on the part of the House of Representatives and two on the part of the Senate, be appointed to investigate the official acts and doings of the Board of Public Works, and report as early as practicable; and that they have appointed Messrs. Gridley, Charles and Hicks the committee on the part of the House of Representatives. And he withdrew.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 2, 1840.

Senate met pursuant to adjournment.

Mr. Richardson, from the committee on Elections, to which was referred the bill, entitled "An act making school commissioners elective by



the people," reported the same back without amendment, and recommend the passage of the same.

Mr. Haker moved to lay said bill on the table; which was not agreed to.

Mr. Churchill moved to refer the same to the committee on School Lands and Education; which was decided in the negative.

*Ordered* to be engrossed for a third reading.

Mr. John Henry, Senator elect from the county of Morgan, appeared, was qualified and took his seat.

Mr. Little, from the committee on the Judiciary, to which was referred the resolution in relation to the Constitutionality of the law making the office of probate justice elective by the people, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to.

Whereupon,

Mr. Hacker moved to amend said resolution by striking out all after the word "resolved," and insert the following in lieu thereof, viz:

*"By the Senate,* That the committee on the Judiciary be instructed to inquire into the expediency or in expediency of changing the law in relation to the election of probate justices of the peace," and that they have leave to report by bill or otherwise; which was decided in the affirmative;

And the resolution, as amended, was read and adopted.

A message from the Governor, by Mr. John Carlin:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate communication in writing. And he withdrew.

Mr. Moore, from the select committee, to which was referred the bill, entitled "An act to vacate the town plat of the town of Livingston," reported the same back with an amendment; which was read and concurred in.

*Ordered* to be engrossed, as amended, and read a third time.

On motion of Mr. Markley,

*Resolved,* That the committee on Elections be instructed to inquire into the expediency of so amending the election laws, as to make county collectors elective by the people, and that they be requested to report by bill or otherwise.

On motion of Mr. Little,

*Resolved by the Senate,* That the Governor be respectfully requested to communicate to them information by whom the £10,000, which is stated in his message to be placed on deposit in the United States Bank, was deposited, when the said sum was deposited, the evidence that the same has been thus deposited, on what account the said sum of money was received by the agent of the State, when the same came into his possession, and all other information necessary to a correct understanding of the subject, which it is in his power to communicate.

Mr. Davidson moved the adoption of the following Resolution, viz:

*Resolved,* That the committee on Elections be required to inquire into the expediency of so changing the law providing for the election of county commissioners as to make the entire court elective every two years; which was not agreed to.

On motion of Mr. Pearson,

*Resolved*, That the committee on the Judiciary inquire into the expediency of reporting a bill repealing the act passed in 1836. paying jurors out of a certain fund and that the pay of jurors hereafter shall be uniform, and paid out of the county treasury, and the jury fee in every suit now paid, be hereafter paid into the county treasury in aid of that purpose.

On motion of Mr. Sargent,

*Resolved*, That the Commissioners of the Board of Public Works communicate to the Senate, at as early a day as practicable, a statement showing the profits, if any, and what amount, expenses, if any, over and above profits; and what amount of that part of the Northern Cross railroad is completed situated between Jacksonville and Meredosia in Morgan county.

On motion of Mr. Nunnally,

*Resolved*, That the committee on Public Accounts and Expenditures be directed to inquire into the expediency of curtailing and proportioning the salaries of the officers of this State in reference to the duty and responsibility respectively attached to them, not inconsistent with the Constitution, and that they report by bill or otherwise.

Mr. Parrish, on leave given, introduced a bill, entitled "An act to incorporate the Benton Academy in Franklin county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Monroe, on leave given, introduced a bill, entitled "An act for the relief of George M. Hanson;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Salines and Saline Lands.

Mr. Stapp, on leave given, introduced a bill, entitled "An act for the relief of Henry county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Stapp, on leave given, introduced a bill, entitled "An act to vacate the town plat of the town of Lancaster in Henry county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

*Ordered* to be engrossed for a third reading.

Mr. Speaker laid before the Senate the following communication from the Governor viz:

EXECUTIVE DEPARTMENT,

Springfield, Ill., December 2, 1840.

To the Senate of Illinois:

I have the honor to acknowledge the receipt of a resolution of the Sen-

ate of the 30th ult., requesting me to furnish the Senate with all the information in my power relative to the late sale of State Bonds to the agent of the canal contractors, whether or not said bonds were sterling bonds payable in London, and if so, whether or not said contractors paid, or are to pay the State, the difference of exchange between the State of Illinois and the place of payment.

In answer to the above resolution, I have the honor to reply that the bonds paid to contractors on the canal were sterling bonds payable in London, and that the exchange, between that place and Illinois, was secured to the State. Such is my recollection of the verbal statement of Gen. Thornton in October last. I am again constrained to repeat that no written report has been furnished me by the Canal Board during the present year, nor has any written statement been furnished me by Gen. Thornton, as agent for the canal contractors, in relation to his negotiation of \$1,000,000 bonds in London on their account, although when at Quincy in October last, he positively promised, as soon as he could return to Lockport, to make out a complete statement in writing of the financial condition of the canal and forward to me, to enable me to lay the necessary information before the Legislature at their present meeting.

I have been equally unfortunate in procuring information from the Board of Public Works, having received no report from them during the year, and since my arrival at the seat of Government I addressed a note to the Fund Commissioner, requesting to be furnished with the amount of interest due in New York on the first Monday of January next on the internal improvement debt, which was answered by his Secretary, but failed to furnish the information required. Therefore, the amount set forth in my message was left indefinite. A failure of those various functionaries, as well as a failure on the part of the Auditor of Public Accounts to furnish the information required in relation to the financial affairs of the State, has compelled me to resort to the late report of the Fund Commissioner, and other means of information that were not official (but at the time were believed to be correct) for data to enable me to make up the statistical table presented in my message, and should any inaccuracies appear therein they are attributable to the above causes.

THO. CARLIN.

Which was read, and,

On motion of Mr. Monroe,

Referred to the committee on Finance.

Mr. Speaker laid before the Senate the report of Thomas Mather, President of the State Bank of Illinois, containing a statistical account of the situation of the same on the 1st December, 1840; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Speaker laid before the Senate the report of the Fund Commissioner; which was read, and,

On motion of Mr. Davidson,

Laid on the table, and

Ordered to be printed for the use of the Senate.

The bill, entitled "An act limiting the duration of the office of Secretary of State," was read the second time;

Mr. Ross moved to lay said bill on the table; which was not agreed to.

Mr. Hacker moved the indefinite postponement of the same; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Hunter, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Richardson, Slocumb, Snyder, Stadden, Witt and Wood—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Stapp and Warren—14.

The bill, entitled "An act to repeal the system of internal improvements," was read the second time, and,

On motion of Mr. Hacker,

Referred to the committee on Internal Improvements.

On motion,

The Senate adjourned until 2 o'clock, P. M., by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Evans, Feaman, Fithian, Henry, James, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Pearson, Ross, Sargent, Slocumb and Stadden—19.

Those voting in the negative, are,

Messrs. Allen, Davidson, Gaston, Gibbs, Hacker, Hamlin, Harrison, Hunter, Johnston, Parrish, Richardson, Snyder, Stapp, Warren, Witt and Wood—16.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill, entitled "An act to vacate a part of the plat of Vermilionville, in La Salle county," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to amend 'An act to provide for the election of probate justices of the peace,' approved March 4, 1837," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

The bill, entitled "An act to provide for the appointment of school commissioners," was read the second time, and,

On motion of Mr. Moore,

Laid on the table.

The bill, entitled "An act for the relief of the inhabitants of town thirty-three, north of range three, east of the third principal meridian," was read the second time, and

*Ordered* to be engrossed for a third reading.

The resolution contained in the message from the House of Representatives, in relation to the removal of the seat of Government from Springfield to Vandalia, was taken up, and read,

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the same?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Evans, Fithian, Gaston, Hacker, Hamlin, Harrison, Hunter, Johnston, Monroe, Nunnally, Parrish, Richardson, Stadden and Warren—15.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Gibbs, Henry, Herndon, James, Killpatrick, Little, Markley, Moore, Pearson, Ross, Sargent, Slocomb, Stapp, Witt and Wood—19.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The resolution contained in the message from the House of Representatives, having for its object the appointment of a joint select committee for the purpose of an investigation of the official acts of the Board of Public Works, was taken up and read;

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the same?"

It was decided in the affirmative.

*Ordered*, That Messrs. Hacker and James be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

#### THURSDAY, DECEMBER 3, 1840.

Senate met pursuant to adjournment.

Mr. Cullom presented the petition of sundy citizens of Tazewell county, praying for the relocation of a State road from the south part of said county to Travis' bridge, &c.

Mr. Cullom moved to dispense with the reading of the same, and that said petition be referred to the committee on Public Roads;

Mr. Little moved to amend the motion so as to make it a motion to refer, with instructions to report against the prayer of the petitioners, in case they have not complied with the law in relation to the mode of petitioning upon that subject; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr Speaker*: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in which they ask the concurrence of the Senate.

*Resolved by the House of Representatives, the Senate concurring herein*, That a joint select committee of three on the part of the House and two on the part of the Senate, be appointed to confer with the President and Directors of the Bank of the State of Illinois, and to ascertain whether, and on what terms a loan can be obtained from said Bank of a sum of money sufficient to pay the interest upon the internal improvement debt, which shall become due on the first Monday in January next, and that they report their proceedings herein without delay; and they have ap-

pointed Messrs. Gillespie, Bissell and Lincoln, the committee on the part of the House.

I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of the preamble and resolution in relation to contracts, and the necessity of fulfilling them, as amended by the House of Representatives.

They have amended the preamble by striking out the word "although" in the third line.

In which amendment they ask the concurrence of the Senate.

They have passed a bill of the following title, viz: "An act to extend the time for taking an enumeration of the inhabitants of this State."

In the passage of which bill they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a resolution having for its object the appointment of a joint select committee of two on the part of the Senate and three on the part of the House, to draft a memorial to Congress in relation to the establishment of a Marine Hospital at Cairo; and have appointed Messrs Dougherty, Murphy of Cook and McGinnis, the committee on the part of the House of Representatives. And he withdrew.

Mr. Stapp presented the petition of Daniel Lutz, asking the passage of a law to restore him to the rights of citizenship; which was read, and,

On motion of Mr. Stapp,

Referred to the committee on the Judiciary.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to incorporate the city of Quincy,' approved February 3, 1840," reported the same back without amendment, and recommended the passage of said bill.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Little,

*Resolved by the Senate, the House of Representatives concurring herein,* That there shall be elected, at the present session of this General Assembly, three competent persons, well skilled in the laws, to revise and condense all the laws of this State of a general nature, that were in force at the commencement of this session of the General Assembly, and that they be required to present the same to this General Assembly before the end of this present session, for their consideration and approval.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Stadden,

*Resolved,* That so much of the Governor's message as refers to canals and canal lands, be referred to the committee on Canals and Canal Lands.

On motion of Mr. Cullom,

*Resolved,* That the committee on Military Affairs be instructed to take into consideration the propriety of revising and amending the militia law of this State, and that they be required to report by bill or otherwise.

On motion of Mr. Stadden,

*Resolved by the Senate,* That the Governor be requested to inform the Senate the amount retained by Gen. Thornton, agent of the contractors

on the Illinois and Michigan canal, for the use of the State as an indemnity to the State for the expense of transmitting the interest and principal on bonds made payable in London, by the State, also, the expense of said negotiation.

On motion of Mr. Stadden,

*Resolved by the Senate,* That the committee on Canals and Canal Lands be instructed to inquire into the justice or injustice of retaining from the contractors the difference of exchange from London to New York, by the State, on bonds sold by Gen. Thornton, agent for the contractors on the Illinois and Michigan Canal, also, the State paying the expense of said agent, and that they report by bill or otherwise.

On motion of Mr. Killpatrick,

*Resolved,* That so much of the Governor's message as relates to the increase of the salaries of Prosecuting Attornies be referred to the committee on the Judiciary, with instructions to report by bill or otherwise.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved,* That the committee on the Judiciary be instructed to inquire into the expediency of passing a law authorising and allowing individuals to confess judgment in this State upon all debts bonafidely due by power of attorney or in proper person, and that the clerks of the circuit courts be authorized to enter up judgment in the same manner as though the court was in session, and that in all cases the individual confessing judgment, shall be required to take an oath that the amount upon which he is about to confess judgment is a debt honestly due to the individual or individuals or assigns in whose favor judgment is confessed, and that judgment is not confessed or asked to be entered for the purpose of defrauding any creditor or creditors who may have demands against any such individual so confessing judgment, and that they report by bill or otherwise; which was decided in the negative.

On motion of Mr. Gibbs,

*Resolved,* That a select committee be appointed to inquire into the necessity of putting up tomb stones and paleing in the grave of the late Hon. James Copland, who departed this life last winter, and who was, at the time of his death, a member of the House of Representatives.

*Ordered,* That Messrs. Gibbs, Moore and Feaman, be that committee.

Mr. Pearson moved the adoption of the following preamble and resolution, viz:

*Whereas,* The State Bank of Illinois has signified to the Senate its ability to resume specie payments, and the people of Illinois so vitally interested in this subject, wishing to receive an equivalent for the notes on said Bank, and have so long been deprived of their rights by the said Bank's refusing to pay its notes and evidences of debt, thus flooding the country with irredeemable paper: *And whereas,* if the statement made by said Bank be true there is no longer any excuse or pretence of keeping the citizens out of their just dues. Therefore,

*Resolved,* That the State Bank, like individuals, is bound in good faith to resume specie payments immediately when able.

Mr. Little moved to amend by adding the following, viz:

"And that in order to effect so desirable a result, the said Bank is hereby requested to pay no more State Auditor's warrants until the State shall

have paid her the \$200,000 which she has advanced to save the sinking credit of the State, and when this amount is so paid then she shall resume forthwith the redemption of her notes in specie.

On motion of Mr. Henry,

The said resolution, together with the proposed amendment, was laid on the table.

Mr. Pearson moved the adoption of the following resolution, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the road law passed February 3, 1835, as requires the county commissioners to fix and enter upon the records of their courts, a certain number of days that each able bodied man, between the ages of twenty-one and fifty years, shall do upon some public road within the county during the year; which was decided in the negative.

On motion of Mr. Markley,

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of so amending the election laws, as to require every voter to vote in the precinct in which he resides, and that they be required to report by bill or otherwise.

Mr. Snyder moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That on Saturday the 5th inst., both branches of this Legislature shall be adjourned *sine die*.

Mr. Ross moved to amend by striking out the words "*sine die*" and insert the words "Monday next at the hour of 10 o'clock, A. M." in lieu thereof.

Whereupon,

On motion of Mr. Little,

The said resolution, together with the proposed amendment, was laid on the table.

On motion,

The Senate adjourned.

## FRIDAY, DECEMBER 4, 1840.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in the passage of which they ask the concurrence of the Senate.

*Resolved*, That a joint select committee of three from the House of Representatives and two on the part of Senate, be appointed to draft a memorial praying Congress to make a further donation of land to the State of Illinois, to aid her in the prosecution of the Illinois and Michigan canal; and have appointed Messrs. Dodge, Henderson and Leary, as the committee on the part of the House of Representatives. And he withdrew.



On motion of Mr. Little,

The rule of the Senate was dispensed with, and the resolution, together with the proposed amendment, in relation to the adjournment of the General Assembly, laid on the table upon yesterday was taken up;

Mr. Ross withdrew his proposed amendment to the same,

And the question then recurring on the adoption of the resolution, It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gibbs, Herndon, Hunter, James, Johnston, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Stadden, Witt and Wood—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gaston, Hacker, Hamlin, Harrison, Henry, Killpatrick, Markley, Monroe, Richardson, Ross, Sargent, Slocumb, Stapp and Warren—19.

On motion,

The Senate adjourned.

#### FRIDAY, DECEMBER 5, 1840.

Senate met pursuant to adjournment.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act to incorporate the city of Nauvoo," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz: "An act to amend an act, entitled 'An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois,' approved February 1, 1840."

In the passage of which bill they ask the concurrence of the Senate.

Mr. Snyder, from the committee on the Judiciary, to which was referred the petition of Daniel Lutz asking the passage of a law to restore him to the rights of citizenship, reported the same back and asked to be discharged from the further consideration of the same; and

On the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

On motion of Mr. Ross,

Said petition, together with the report of the committee, was laid on the table.

On motion of Mr. Parrish,

*Resolved,* That the Auditor of Public Accounts be requested to lay before the Senate, at as early a day as possible, all the information in his possession in relation to the Gallatin salines, the quantity of lands sold under the act of 1831, the amount of money received for the same, to what the same has been applied, and whether the amount realized from said sale

was sufficient to meet the appropriations under said act, and if not, what appropriations remain unpaid. Also, the quantity of land sold under the act of 1836, the amount received for the same, to what object the same has been applied, and whether the amount realized from said sale was sufficient to meet the appropriations under said act, and if not, what appropriations remain unpaid. Also the quantity of said lands remaining unsold if any, the amount of rents or other money due the State from said saline, if any, and from whom the same is due.

On motion of Mr. Moore,

*Resolved*, That the committee on Finance be requested to inquire into the expediency of so amending the revenue law as to make the office of assessor and collector elective by the people, and that they report by bill or otherwise.

On motion of Mr. Hamlin,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue law as to provide for the equalization of the assessment of property for taxes in the several counties in this State.

Mr. Allen, on leave given, introduced a bill, entitled "An act concerning marriages; which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion of Mr. Richardson,

The vote taken on yesterday on the adoption of the resolution in relation to the adjournment of both branches of the General Assembly *sine die*, was reconsidered;

And the question then recurring on the adoption of the said resolution, it was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Herndon, Hunter, James, Johnston, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Stadden, Witt and Wood—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Killpatrick, Markley, Monroe, Richardson, Ross, Sargent, Slocomb, Stapp and Warren—17.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ralston, on leave given, introduced a bill, entitled "An act to amend the several acts in relation to States Attorneys;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The engrossed bills, entitled

"An act to vacate the town plat of the town of Livingston;" and

"An act to vacate a part of the plat of Vermilionville, in La Salle county;"

Were read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following preamble and resolution.

*Whereas*, The present being a special session of the General Assembly of Illinois, convened under the provision of the 9th section of the 3d article of our State Constitution must necessarily determine previous to the first Monday of December, inst. Therefore,

*Resolved by the House of Representatives, the Senate concurring herein*, That the General Assembly do adjourn without day on Saturday the 5th inst.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

The engrossed bill, entitled "An act for the relief of the inhabitants of town thirty-three, north of range three, east of the third principal meridian," was read a third time;

And on the question—"Shall the bill pass?"

A quorum did not vote, so the question was not decided.

A call of the Senate was then ordered,

On motion of Mr. Herndon,

And the roll being called over the following named members failed to answer to their names, viz:

Messrs. Baker, Churchill, Davidson, Fithian, Gaston, Hamlin, Harris, Harrison, Henry, Houston, Killpatrick, Little, Monroe, Ralston, Richardson, Sargent, Stapp, Warren and Wood.

Excuses were offered and received for the non-attendance of Messrs. Harris, Houston and Ralston.

Mr. Snyder moved to dispense with a further call of the Senate; which was agreed to.

Mr. Pearson moved the adoption of the following resolution, viz:

*Resolved*, That the Sergeant-at-arms do make out a statement in writing, to be entered on the Journals, the names of Senators refusing to attend on the summons of the Senate to attend here while sitting; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Ross, Slocumb, Snyder, Stadden, Witt and Wood—25.

Messrs. Harrison and Stapp, voting in the negative—2.

Whereupon,

The Sergeant-at-arms made the following report:

"I, Andrew J. Witt, Sergeant-at-arms to the Senate of Illinois, do certify that I have notified the following named members of the Senate to attend at the Senate chamber on this afternoon pursuant to a call of the Senate, to wit: Messrs. Davidson, Fithian, Killpatrick and Sargent, and that they have refused to attend.

A. J. WITT.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved*, That the list of names of Senators reported to be absent, and who have, as reported by the Sergeant-at-arms, refused to attend, on being duly notified, shall not be entered upon the Journal until the Senators reported to be absent shall attend and render their excuse, and if not received by the Senate then their names shall be entered as absentees.

Mr. Herndon moved to lay the same on the table.

A call of the Senate was again ordered,

On motion of Mr. Gatewood,

And the roll being called over the following named members failed to appear, and answer to their names, viz:

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Sargent and Warren.

On motion of Mr. Snyder,

The further call of the Senate was dispensed with;

Whereupon,

On motion of Mr. Snyder,

*Resolved*, That the lobbies of the Senate be cleared, and that an officer be placed at the door of the Senate to prevent the egress of any Senator, and that the Sergeant-at-arms be authorized to employ a sufficient number of persons to bring the absent Senators to the Senate chamber.

A message from the House of Representatives by Mr. Peck, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with the Senate in the adoption of a joint resolution having for its object the adjournment of the present session of the Legislature without day. And he withdrew.

The Hon. Speaker then rose and addressed the Senate as follows:

GENTLEMEN: By a resolution, adopted by the Senate and House of Representative, this day has been fixed for the adjournment of the two Houses without day. It now only remains for me to pronounce the Senate adjourned *sine die*.

MERIT L. COVELL,

*Secretary of the Senate.*

JOURNAL

OF

THE SENATE

OF THE

TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

AT THEIR SECOND SESSION, BEGUN AND HELD IN THE CITY OF SPRINGFIELD,

DECEMBER 7, 1940.

SPRINGFIELD:

WM. WALTERS, PUBLIC PRINTER.

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1840.



# JOURNAL

OF

## THE SENATE.

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At a General Assembly of the State of Illinois, begun and held at the capitol in the city of Springfield, on Monday, the seventh day of December, in the year of our Lord one thousand eight hundred and forty, being the second session of the Twelfth General Assembly, held under the Constitution of the State of Illinois.

On which day, being that fixed by the Constitution of the State of Illinois for the meeting of the General Assembly, the Hon. STINSON H. ANDERSON, Lieutenant Governor of said State, and Speaker of the Senate, appeared, took the chair and called the Senate to order.

Whereupon, Merit L. Covell, Secretary of the Senate, Isaac S. Berry, Assistant Secretary, Andrew J. Witt, Sergeant-at-arms, Nimrod Hazlewood, Assistant Sergeant-at-arms, and Downing Baugh, Engrossing and Enrolling Clerk, appeared and entered upon the discharge of the duties of their respective offices.

The following named members appeared and took their seats, viz:

From the counties of Greene and Jersey—JOHN ALLEN.

From the county of Madison—GEORGE CHURCHILL.

From the county of Tazewell—RICHARD N. CULLOM.

From the county of White—WILLIAM H. DAVIDSON.

From the counties of Fayette, Clay and Effingham—AIKENS EVANS.

From the county of Randolph—JACOB FEAMAN.

From the counties of Clinton and Marion—WILLIAM GASTON.

From the county of Gallatin—WILLIAM J. GATEWOOD.

From the counties of Union and Alexander—JOHN S. HACKER.

From the counties of Peoria, Putnam, Marshall, Bureau and Stark—

JOHN HAMLIN.

From the counties of Jo Daviess, Rock Island, Stephenson, Ogle, Mercer, Whiteside, Winnebago, Boone, Carroll and Lee—**GEORGE W. HARRISON.**

From the county of Morgan—**JOHN HENRY.**

From the counties of Sangamon, Menard, Logan and Christian—**ARCHER G. HERNDON.**

From the counties of Montgomery and Bond—**WILLIAM HUNTER.**

From the counties of Monroe, Madison and St. Clair—**JAMES A. JAMES.**

From the counties of Hamilton and Jefferson—**NOAH JOHNSTON.**

From the county of Fulton—**DAVID MARKLEY.**

From the counties of Clark and Coles—**BYRD MONROE.**

From the counties of McLean, Macon, Livingston and DeWitt—**JOHN MOORE.**

From the county of Edgar—**NELSON W. NUNNALLY.**

From the counties of Franklin, Williamson and Jackson—**BRAXTON PARRISH.**

From the counties of Cook, Will, Du Page, Lake and McHenry—**JOHN PEARSON.**

From the county of Adams—**JAMES H. RALSTON.**

From the counties of Wayne, Edwards and Wabash—**RIGDON B. SLOCUMB.**

From the county of St. Clair—**ADAM W. SNYDER.**

From the counties of La Salle, Iroquois, Kane and De Kalb—**WILLIAM STADDEN.**

From the county of Shelby—**PETER WARREN.**

From the counties of Greene, Jersey and Calhoun—**FRANKLIN WITT.**

From the counties of Washington and Perry—**JOHN D. WOOD.**

Mr. Snyder moved the following resolution, viz:

*Resolved*, That the Secretary inform the House of Representatives that the Senate have met, and are organized, and that they are now ready to proceed to legislative business; which passed in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Hamlin, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt and Wood—23.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Harrison, Henry and Monroe—6.

The following named members appeared and took their seats, viz:

From the counties of Sangamon, Menard, Logan and Christian—**EDWARD D. BAKER.**

From the counties of Vermilion and Champaign—**WILLIAM FITZIAN.**

From the counties of Pope and Johnson—**WORTHINGTON J. GIBBS.**

From the counties of Morgan and Scott—**T. M. KILLPATRICK.**

From the counties of McDonough and Hancock—**SIDNEY H. LITTLE.**

From the counties of Schuyler and Brown—**WM. A. RICHARDSON.**

From the county of Pike—**WILLIAM ROSS.**

From the counties of Morgan, Cass and Scott—**WM. L. SARGENT.**

From the counties of Warren, Knox and Henry—**WYATT B. STAPP.**



Mr. Snyder moved the following resolution, viz:

*Resolved*, That the rules adopted for the government of the Senate at the last session be adopted for the present session until otherwise ordered: which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Herndon, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—32.

Those voting in the negative, are,

Messrs. Churchill, Davidson, Harrison, Henry and Monroc—5.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved*, That the Clerk of this House inform the Senate, that the House of Representatives have met in accordance with the Constitution of the State of Illinois, and have organized, and are ready to proceed to legislative business.

They have also adopted the following resolution, in the passage of which they ask the concurrence of the Senate, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That a committee of three members from the House and two from the Senate, be appointed to wait on the Governor and inform him that the two Houses are organized and prepared to proceed to the transaction of business; and that Messrs. Murphy of Cook, McDonald and Laughlin, be the committee on the part of the House. And he withdrew.

On motion of Mr. Witt,

*Resolved by the Senate, the House of Representatives concurring herein*, That the joint rules of the two Houses, at their last session, be adopted for the government of the two Houses until altered or amended.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The resolution contained in the message from the House of Representatives, having for its object the appointment of a joint committee to wait upon the Governor and inform him of the organization of the two Houses, was taken up, read and concurred in.

*Ordered*, That Messrs. Moore and Witt, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Snyder moved the adoption of the following resolution, viz:

*Resolved by the Senate,* That the unfinished business of the first session of the Twelfth General Assembly be taken from the files of the said session and be placed on the files of the present session, and that the said unfinished business have the same order in the present session, and be proceeded with in the same manner as it would be as if the same had originated during the present session.

Mr. Baker moved to amend the same by adding the following, viz:

“And that the same disposition be made of the unfinished business of the called session of 1839 and '40;” which was not agreed to.

Mr. Richardson moved to amend by striking out the following, viz:

“And that the said unfinished business have the same order in the present session, and be proceeded with in the same manner as it would be if the same had originated during the present session;” which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Richardson, Ross, Sargent, Stapp and Warren—17.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Witt and Wood—21.

And the question then recurring on the adoption of the resolution,

It was decided in the affirmative.

On motion of Mr. Monroe,

*Resolved,* That Gen. Thornton, one of the Canal Commissioners, be requested to inform the Senate whether or not, in the late sale of bonds to him, as agent of the canal contractors, by the Governor, provision was made to pay the difference of exchange between the United States and the place said bonds are payable; and also, whether or not any bonds have been hypothecated by him for the purpose of raising money to pay the interest on bonds sold; and also, whether or not the instalment due by Messrs. Wright & Co., under the contract made by them with the Hon. R. M. Young, for the Illinois and Michigan canal fund, has been paid to said Young, and if so, at what time, and where said money has been deposited, and by whom, if said money has been paid over to the Canal Commissioners, if not, the reason why said payment has not been made, and if the agents of the State have ever refused to pay the same to the Canal Commissioners, the reasons assigned for such refusal; and all information in his possession in relation thereto.

On motion of Mr. Ralston,

*Resolved,* That the Governor, Auditor, Canal Commissioners, Board of Internal Improvements and State House Commissioners, be respectfully requested to communicate to the Senate all such information in their possession as was, by resolution or otherwise, asked of them at the last session of the Senate and not given to the Senate for want of time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill of

the following title, as amended by the House of Representatives, viz: "An act to provide for the manufacture of salt at the Gallatin saline."

They amend by striking out the words "said first," in the third line of the second section, and insert the word "tenth."

In which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Herndon moved the adoption of the following resolution, viz:

*Resolved*, That the Cashier of the State Bank of Illinois be requested to furnish to the Senate, at as early a day as possible, a list of the officers of said State Bank and its Branches, including Presidents, Cashiers, Tellers, Clerks, Attorneys, Assistant Attorneys, &c., and all other persons as have or may be in the service of said Bank and Branches, and their salaries respectively.

On motion of Mr. Gatewood,

Said resolution was laid on the table.

On motion of Mr. Gatewood,

The rule was dispensed with and the bill contained in the message from the House of Representatives, entitled "An act to provide for the manufacture of salt at the Gallatin saline," was taken up, and

On the question—"Will the Senate concur with the House of Representatives in their amendment to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

## TUESDAY, DECEMBER 8, 1840.

Senate met pursuant to adjournment.

Mr. Monroe moved the following resolution, viz:

*Resolved*, That the Governor of this State be again requested to inform the Senate whether the loan made by the Fund Commissioners to the canal fund of three hundred thousand dollars has been paid, together with all interest thereon, and if the same has not been paid, why the same has not been done.

Mr. Ralston moved to lay the same upon the table; which was not agreed to;

And the question recurring on the adoption of the said resolution,

It was decided in the affirmative.

Mr. Pearson moved the following resolution, viz:

*Resolved*, That the Finance committee inquire into the expediency of repealing all laws requiring the Treasurer to deposite all monies in the State Bank of Illinois, and report by bill or otherwise; and also, to repeal the act entitled "An act to regulate interest on Auditor's warrants;" which was decided in the affirmative.

On motion of Mr. Wood,

*Resolved*, That the Board of Public Works be requested to inform the Senate the amount of scrip they have issued and for what purposes said scrip has been issued.

On motion of Mr. Wood,

*Resolved*, That the Board of Public Works inform the Senate the number of days each member of said Board has served during the last year in the capacity of Commissioners of Public Works.

On motion of Mr. Parrish,

*Resolved*, That the Fund Commissioner be requested to furnish the Senate as speedily as possible the following information: The amount of all State bonds hitherto sold by the agents of the State, and by whom, and to whom sold on account of internal improvement; also, the amount of Bonds now hypothecated on such account, and with whom, and by what agents they were hypothecated, and how much is due and to be paid to each in order to redeem such bonds from hypothecation, and when such payment must be made to save such bonds from forfeiture; Also, the amount received by the agents of the State from each purchaser of bonds in payment of bonds together with the names of the purchasers; also, the amount still due and unpaid by any purchaser together with the name of such purchaser; also, the names of the present holders of bonds with the amount held by each, being the persons to whom interest is payable, the total amount of interest payable in January, without any reduction for bonds sold without consideration; also, the nett amount of interest to be paid in January next, after deducting the amount of bonds for which the State has not yet received consideration or any consideration in part; And also, that he report generally the true statement of the Finances as far as his office extends, confining himself to the affairs of the system of internal improvements.

Mr. Moore moved the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the two Houses will meet in the Hall of the House of Representatives, on Wednesday evening the 9th inst. at seven o'clock, for the purpose of electing an Attorney General of this State; which was read, and,

On motion of Mr. Moore,

Laid on the table.

Mr. Pearson, on leave given, introduced a bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and water privileges for the payment of interest on canal debt;" which was read, and

*Ordered* to a second reading.

Mr. Stadden moved to dispense with the rule, and that the bill be now read the second time by its title which was not agreed to.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act to legalize the assessment of property in the county of Peoria for the year 1840;" which was read, and

*Ordered* to a second reading.

Mr. Stapp, on leave given, introduced a bill, entitled "An act for the collection of the State revenue in Greene, Bond and other counties;" which was read, and

*Ordered* to a second reading.

Mr. Ralston, on leave given, introduced a bill, entitled "An act to authorize the removal of the seat of justice of Adams county;" which was read, and

*Ordered* to a second reading.

Mr. Ralston moved to dispense with the rule, and that said bill be now read the second time by its title; which was not agreed to.

Mr. Stapp, on leave given, introduced a bill, entitled "An act to fix the compensation of members of the General Assembly at the sum of two dollars per day, and also to fix the compensation of the officers thereof;" which was read the first time, and

*Ordered* to a second reading.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Henry, James, Killpatrick, Little, Monroe, Ralston, Ross, Sargent, Snyder, Stapp and Warren—20.

Those voting in the negative, are,

Messrs. Gatewood, Gibbs, Hacker, Hamlin, Herndon, Johnston, Markley, Moore, Parrish, Pearson, Richardson, Slocumb, Stadden, Witt and Wood—15.

Mr. Warren moved to dispense with the rule, and that said bill be now read the second time by its title; which was not agreed to.

Mr. Markley, on leave given, introduced a bill, entitled "An act to extend the jurisdiction of justices of the peace;" which was read, and

*Ordered* to a second reading.

Mr. Sargent, on leave given, introduced a bill entitled "An act repealing the act fixing the salary of the Governor;" which was read the first time, And on the question—"Shall the bill be read a second time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Henry, Johnston, Killpatrick, Little, Monroe, Sargent, Snyder and Stapp—15.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Herndon, James, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Ross, Slocumb, Stadden, Warren, Witt and Wood—20.

On motion of Mr. Witt,

The order of business was suspended;

Whereupon,

Mr Witt, from the joint select committee appointed to wait upon the Governor made the following report, viz:

The joint select committee appointed to wait on the Governor and inform him that the two Houses were organized and ready to proceed to legislative business, report, that they have waited on his Excellency, and was informed by him that he has no communication at present to make to the Legislature, but would respectfully refer them, for his views on the affairs of the State, to his message to the last session of the General Assembly.

Mr. Gatewood moved to lay said report on the table, and that 20,000 copies be printed for the use of the Senate.

Mr. Herndon called for a division of the question;

And the question being first taken upon laying said report on the table,

It was decided in the affirmative.

Mr. Gatewood moved the adoption of the following order, viz:

*Ordered*, That ——— thousand copies of the report of the committee

appointed to wait upon the Governor be printed for the use of the Senate.

Mr. Ross moved to lay the same on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, James, Killpatrick, Little, Markley, Moore, Pearson, Ralston, Richardson, Ross, Slocumb, Snyder, Stadden, Warren and Witt—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Henry, Johnston, Monroe, Parrish, Sargent, Stapp and Wood—16.

On motion,

The Senate adjourned.

### WEDNESDAY, DECEMBER 9, 1840.

Senate met pursuant to adjournment.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Mr. Speaker announced that the standing committees of the Senate appointed at the last session of this General Assembly, be and remain the same during the present session.

Mr. Speaker laid before the Senate the report of the Cashier of the Bank of Illinois, at Shawneetown; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Speaker laid before the Senate the following communication from the Secretary of the Board of Public Works, viz:

#### OFFICE OF THE BOARD OF PUBLIC WORKS,

*Springfield, Illinois, December 8, 1840.*

To the Hon. the SPEAKER of the Senate:

SIR: I am instructed by the Board of Public Works to inform the Senate, that they convened here on yesterday, and the resolutions adopted by the Senate, November 27, December 3, and December 7, are now before them, that they are at this time closely occupied in making up their general report, and that they would, at the earliest period possible, furnish the Senate with all the information called for in the aforesaid resolutions.

I have the honor to be, Sir,

Very respectfully,

Your obedient servant,

WM. PRENTISS,

*Secretary B. P. W.*

Which was read, and,

On motion of Mr. Cullom,

Laid on the table.

Mr. Speaker laid before the Senate the communication just received from the Governor, viz:

EXECUTIVE DEPARTMENT,

*Springfield, Ill., December 8, 1840.*

To the Hon. the SPEAKER of the Senate.

Sir: In conformity to a resolution of the Senate, adopted on the 30th ult. at its last session, viz: That the Governor be requested to inform the Senate whether the loan of three hundred thousand dollars and interest, made from the internal improvement fund to the canal, by a law passed January 21, 1839, has been paid or not, and if not paid, to communicate the reasons why it has not been paid, I have the honor to make the following reply:

That three hundred canal bonds of \$1000 each, were sold by M. M. Rawlings, fund commissioner, and Governor Reynolds, agent on the part of the State, to Mr. John Delafield, of New York, on the 23d of April, 1839. Those bonds were sold for the special purpose of raising money to be applied to the payment of the \$300,000 due from the canal to the internal improvement fund, \$150,000 of which has been paid (as per late report of Fund Commissioner, page 11,) the residue has not been paid, as the money could not be collected from Mr. Delafield.

I have the honor to be, Sir,

Your most obedient servant,

THO. CARLIN.

Which was read, and,

On motion of Mr. Allen,

Laid on the table.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled a bill for "An act to provide for the manufacture of salt at the Gallatin saline;" and also, that they have this day laid the same before the Council of Revision.

Mr. Ralston moved the adoption of the following resolutions, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the General Assembly will meet in the Hall of the House of Representatives, on Saturday the 12th inst., at two o'clock, P. M., for the purpose of electing one United States Senator to serve for six years from the fourth of March next; which was read, and,

On motion of Mr. Ralston,

Laid on the table.

Mr. Ross moved the adoption of the following preamble and resolution, viz:

*Whereas*, two called sessions of the General Assembly of the State of Illinois have been held during the present year, and *whereas*, the financial concerns of this State are in a depressed and most deplorable condition, demanding at the hands of this Legislature, the observance (as well in practice as in theory) of a rigid system of economy and a close of this session as speedily as practicable, after having made suitable provisions for the payment of the interest to become due from the State in January next, and also, for the apportionment of representation upon the late census of the State. Therefore,

*Resolved by the General Assembly, That no new business will be received, in either branch thereof, after the 20th day of December, instant, and that this General Assembly, do adjourn sine die on the first Monday in January next; which was read.*

Mr. Pearson moved to lay the same on the table until the fourth day of July next;

Mr. Hacker moved to lay said resolution on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt and Wood—22.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Gibbs, Henry, Killpatrick, Little, Monroe, Ross, Sargent and Stapp—12.

Mr. Allen moved the adoption of the following resolution, viz:

*Resolved, That the Governor and Justices of the supreme court be permitted to take seats within the bar of the Senate during its sittings.*

Mr. Hacker called for a division of the question;

And the question being first taken upon that branch of the resolution referring to the Governor,

It was decided in the affirmative.

The question then recurring upon the adoption of that portion of the resolution in relation to the justices of the supreme court,

It was decided in the negative.

On motion of Mr. Killpatrick,

*Resolved, That the committee on Finance be instructed to inquire into the expediency of increasing the capital stock of the State Bank of Illinois, and also the Bank of Illinois, and that the dividends arising from the increase of said capital stock be appropriated exclusively to the payment of interest on the State debt, and that they report by bill or otherwise.*

On motion of Mr. Nunnally,

*Resolved, That the Auditor of Public Accounts be requested to inform the Senate whether or not he has issued his warrant on the Treasury in accordance with an act making an appropriation for a library for the use of the Legislature and Supreme court, approved February 22, 1839.*

Mr. Gatewood, on leave given, introduced a bill, entitled "An act to reimburse the internal improvement fund for advancements made to the canal fund;" which was read, and

*Ordered to a second reading.*

Mr. Gatewood moved to dispense with the rule, and that said bill be now read a second time by its title; which was decided in the negative.

Mr. Witt, on leave given, introduced a bill, entitled "An act to amend an act to incorporate the Hamilton primary school;" which was read, and

*Ordered to a second reading.*

Mr. Monroe, on leave given, introduced a bill, entitled "An act to provide for the settlement of the liabilities incurred on account of the Illinois and Michigan canal;" which was read, and

*Ordered to a second reading.*



Mr. Gatewood, on leave given, introduced a bill, entitled "An act to further amend the several acts in relation to the system of internal improvements;" which was read, and

*Ordered* to a second reading.

Mr. Stadden moved to reconsider the vote taken upon the motion to dispense with the rule, and that the bill, entitled "An act to reimburse the internal improvement fund for advancements made to canal fund," be read the second time by its title; which was agreed to.

And the question then recurring on dispensing with the rule, and that said bill be now read the second time by its title;

It was decided in the affirmative.

Whereupon, said bill was read the second time by its title, and

*Ordered* to be engrossed for a third reading.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the Secretary of State be required to make out a tabular statement of the census of this State showing the number of inhabitants, their ages, sexes and color; also, the number of the militia, and the number of mills, machines, manufactories &c.

In the passage of which they ask the concurrence of the Senate.

The engrossed bills, entitled

"An act to incorporate the city of Nauvoo;"

"An act for the relief of the inhabitants of town thirty-three, north of range three, east of the third principal meridian;" and

"An act to vacate the town plat of the town of Lancaster, in Henry county;"

Were severally read the third time and passed.

*Ordered,* That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act making school commissioners elective by the people," was read the third time,

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Herndon, Hunter, James, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—30.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Hacker, Hamlin and Henry—5.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to amend an act, entitled 'An act to incorporate the city of Quincy,'" was read a third time;

Mr. Ralston moved to amend the same by adding the following as an additional section viz:

"SEC. 5. The city council shall pass no ordinance contrary to the laws of the United States or of this State, and any such ordinance which the city council may have passed shall be void and of no effect;" which was agreed to.

And the bill, as amended, passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and water privileges for the payment of interest on the canal debt," was read the second time, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

The bill, entitled "An act to legalize the assessment of property in the county of Peoria, for the year 1840," was read the second time, and

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act providing for the collection of the State revenue in Greene, Bond and other counties," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Finance.

The bill, entitled "An act to authorize the removal of the seat of justice of Adams county," was read the second time, and,

On motion of Mr. Ralston,

Referred to the committee on Elections.

The bill, entitled "An act to fix the compensation of members of the General Assembly at the sum of two dollars per day, and also, to fix the compensation of the officers thereof," was read the second time,

Mr. Moore moved to amend the same by striking out all after the enacting clause, and insert the following in lieu thereof, viz:

"SEC. That each member of the present General Assembly shall receive for their services such per diem pay not exceeding four dollars per day as they may respectively vote for, and no more.

"SEC. It shall be the duty of the Secretary of the Senate and the clerk of the House of Representatives to record on their respective journals, the per diem pay which each member shall vote for respectively."

Mr. Ralston moved to refer said bill, together with the proposed amendment, to the committee on Public Accounts and Expenditures.

On motion,

The Senate adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

Senate met pursuant to adjournment.

The question recurring on the question pending at the time of adjournment, upon referring the bill, entitled "An act to fix the compensation of members of the General Assembly at the sum of two dollars per day, and also to fix the compensation of the officers thereof," together with the

proposed amendment to the committee on Public Accounts and Expenditures.

Mr. Monroe moved to lay said bill, together with the proposed amendment, on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Gaston, Gatewood, Gibbs, Hunter, Johnston, Killpatrick, Markley, Monroe, Pearson, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood—20.

Those voting in the negative, are,

Messrs. Cullom, Fithian, Hacker, Hamlin, Henry, James, Little, Moore, Nunnally, Parrish, Ralston, Ross, Sargent and Stapp—14.

On motion,

The Senate adjourned.

## THURSDAY, DECEMBER 10, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the adoption of a resolution, making the joint rules of the last session the joint rules of the present. And he withdrew.

Mr. Speaker laid before the Senate the following communication from the Board of Public Works, viz:

OFFICE OF THE BOARD OF PUBLIC WORKS,  
*Springfield, Illinois, December 9, 1840.*

To the Hon. the SPEAKER of the Senate:

SIR: I am instructed by the Board of Public Works to state in answer to a resolution adopted by the Senate on the 9th inst., viz:

*"Resolved, That the Board of Public Works inform the Senate the number of days each member of said Board has served during the last year in the capacity of Commissioner of Public Works."*

That John Hogan has served two hundred and fifty-seven days, H. Fellows, has served two hundred and sixty-five days, and Joshua Beall has served two hundred and seventy-two days, each up to the 7th inst.

I have the honor to be, Sir,

Very respectfully,

WM. PRENTISS,

*Secretary B. P. W.*

On motion of Mr. Davidson,

Laid on the table.

Mr. Speaker laid before the Senate the report of the Auditor of Public Accounts, in relation to financial concerns of the State of Illinois; which was read, and,

On motion of Mr. Davidson,

*Ordered,* That said report be laid on the table, and printed for the use of the Senate.

Mr. Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

AUDITOR'S OFFICE, ILLINOIS,

Springfield, December 9, 1840.

To the Hon. the SPEAKER of the Senate:

SIR: I have the honor to state in answer to a resolution of the Senate, that the sum of one hundred and ninety dollars (\$190) has been drawn from the treasury on the account of the appropriation for a library for the use of the Legislature and Supreme Court. The balance of said appropriation has not been drawn.

I am, Sir,

Very respectfully,

Your obedient servant,

LEVI DAVIS,

Auditor of Public Accounts.

On motion of Mr. Ross,

Laid on the table.

On motion of Mr. Hamlin,

Leave of absence was granted to Mr. Cullom, for the space of six days.

Mr. Snyder, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary to which was referred a bill for "An act to amend the several acts in relation to State's Attorneys," have had the same under consideration and have instructed me to report the same to the Senate and recommend its rejection.

On motion of Mr. Ralston,

Said bill and report was laid on the table.

Mr. Snyder, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary, to which was referred a bill for "An act concerning marriages," have had the same under consideration and have instructed me to report the same to the Senate, and recommend its rejection.

On motion of Mr. Allen,

Said bill and report were laid on the table.

Mr. Snyder, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate the Benton Academy, in Franklin county," reported the same back with an amendment, which was read and concurred in.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Parrish, from the committee on Salines and Saline Lands, to which was referred a bill, entitled "An act for the relief of Geo. M. Hanson," reported the same back, and asked to be discharged from a further consideration of the same.

Mr. Stapp moved to lay said bill on the table; which was not agreed to.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Fithian, Hacker, Hamlin, Harrison, Monroe, Nunnally, Ross, Sargent, Snyder, Stadden, Stapp, Warren and Witt—14.

Those voting in the negative, are,

Messrs. Allen, Churchill, Davidson, Feaman, Gaston, Gatewood, Gibbs, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Parrish, Pearson, Ralston, Slocumb and Wood—19.

Mr. Richardson, from the committee on Elections, to which was referred the bill, entitled "An act to authorize the removal of the seat of justice of Adams county," reported the same back, and recommend the passage of said bill.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Little,

*Ordered*, That one thousand copies of the report of the Auditor of State, first read this morning, be printed for the use of the Senate.

On motion of Mr. Ralston,

The order of business was dispensed with, and,

On the further motion of Mr. Ralston,

The joint resolution having for its object the election of a United States Senator on Saturday next, was taken up;

Mr. Allen moved to amend the same so as to make it read "on Wednesday the 16th inst;" which was agreed to.

And on the question then recurring on the adoption of said resolution as amended,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Feaman, Gatewood, Hacker, Harrison, Henry, Hunter, Killpatrick, Little, Monroe, Moore, Nunnally, Parrish, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—25.

Those voting in the negative, are,

Messrs. Davidson, Evans, Fithian, Gaston, Gibbs, Hamlin, Herndon, James, Johnston, Markley and Pearson—11.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Pearson,

*Resolved*, That the Judiciary committee bring in a bill amending the act, entitled "An act regulating elections," and specifically express therein and not leave in doubt, or leave for judicial and inferential construction to doubt about the constitutional right of all white male inhabitants above the age of twenty-one years and having resided in the State six months next preceding the election, in the language of the Constitution, to enjoy the right of an elector whether such elector has been naturalized or not.

Mr. Gaston, on leave given, introduced a bill, entitled "An act to charter a Female Academy in Marion county;" which was read, and

*Ordered* to a second reading.

Mr. Snyder, on leave given, introduced a bill, entitled "An act re-organizing the judiciary of the State of Illinois;" which was read, and

*Ordered* to a second reading.

Mr. Pearson, on leave given, introduced a bill, entitled "An act to amend an act in relation to the State House, and to define the duties of the Commissioner thereof;" which was read, and

*Ordered* to a second reading.

The engrossed bill, entitled "An act to reimburse the internal improvement fund for advancements made to the canal fund;"

Mr. Stadden moved to amend said bill by striking out the words "under the pledge to reimburse the same," which was agreed to;

And said bill, as amended, was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to legalize the assessment of property in the county of Peoria for the year 1840," was read a third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills, entitled

"An act to extend the jurisdiction of justices of the peace;" and

"An act to amend an act to incorporate the Hamilton primary school;"

Were severally read the second time, and referred to the committee on the Judiciary.

The bill, entitled "An act to provide for the settlement of the liabilities incurred on account of the Illinois and Michigan canal," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Canals and Canal Lands.

The bill, entitled "An act to further amend the several acts in relation to the system of internal improvements," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Internal Improvements.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois,' approved February 1, 1840," was read and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill was read the second and third times by its title, and passed in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Henry, Herndon, Hunter, James Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—34.

Mr. Monroe voting in the negative—1.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives of the passage of said bill.

The bill from the House of Representatives, entitled "An act to extend

the time for taking an enumeration of the inhabitants of this State;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The order of business was suspended, and,

On the further motion of Mr. Hacker,

*Resolved by the Senate, the House of Representatives concurring herein,* That the Board of Public Works be requested, and they are hereby instructed, not to settle or audit any more claims against the State, either from contractors or other persons, until further directed by an act of this Legislature.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Hacker,

*Resolved by the Senate,* That the Secretary inform the House of Representatives that the Senate will remain in session, if necessary, until 12 o'clock this evening, in hopes of receiving the action of the House on the subject of paying our January interest on the public debt.

The resolution contained in the message of the House of Representatives of December 3d, having for its object the appointment of a joint select committee to confer with the State Bank of Illinois and ascertain upon what terms a loan can be obtained for the payment of the interest due on the 1st of January next; was read, and,

On motion of Mr. Hacker,

Laid on the table.

The resolution contained in the message of the House of Representatives of December 4, having for its object the appointment of a joint select committee to draft a memorial to Congress for a donation of land to aid in the construction of the Illinois and Michigan canal," was read,

And on the question—"Will the Senate concur with the House of Representatives in the adoption of said resolution?"

It was decided in the affirmative.

*Ordered,* That Messrs. Pearson and Ralston be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

The resolution contained in the message of the House of Representatives of the 5th of December, in relation to the adjournment of the General Assembly, was read, and,

On motion of Mr. Ross,

Laid on the table.

The resolution contained in the message of the House of Representatives of the 9th inst requiring the Secretary of State to make out a tabular statement of the census of this State, &c., was read,

And on the question—"Will the Senate concur with the House of Representatives in the adoption of said resolution?"

It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof.

Mr. Speaker laid before the Senate the report of the Treasurer of the State of Illinois;" which was read, and,

On motion of Mr. Stapp,

Laid on the table, and

Ordered to be printed for the use of the Senate.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Herndon moved to take up a resolution, some days since laid on the table, requesting the Cashier of the State Bank of Illinois to furnish the Senate with a list of the officers of said Bank, their compensation, &c.; which was agreed to.

And the question recurring on the adoption of the resolution, it was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Evans, Feaman, Fithian, Gaston, Gibbs, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Witt and Wood—24.

Those voting in the negative, are,

Messrs. Churchill, Davidson, Gatewood, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Stapp and Warren—12.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution.

*Resolved,* That in answer to the resolution of the Senate on that subject the clerk inform the Senate that they need not incommode themselves longer than half past eleven o'clock this evening, in waiting for the action of the House on the subject of the January interest. And he withdrew.

Mr. Hacker, on leave given, introduced a bill, entitled "An act to provide for the payment of interest on the internal improvement debt;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee of the Whole Senate, and made the order of the day for to-day.

Whereupon,

On motion of Mr. Little,

The Senate resolved itself into a committee of the Whole Senate, Mr. Harrison in the chair, and proceeded to the consideration of said bill, and after some time spent therein, Mr. Speaker resumed the chair; and,

Mr. Harrison reported, that the committee of the Whole Senate had, according to order, had under consideration the bill, entitled "An act to provide for the payment of interest on the internal improvement debt," and



have instructed me to report the same back to the Senate with an amendment in which they ask the concurrence of the Senate.

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

*Ordered* to be engrossed, as amended, and read a third time.

On motion,

The Senate adjourned.

### FRIDAY, DECEMBER 11, 1840.

Senate met pursuant to adjournment.

Mr. John Harris, Senator from the county of Macoupin, appeared and took his seat.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of a resolution instructing the Board of Public Works not to audit or settle any more claims against the State until further directed.

They have also concurred with the Senate in the passage of a bill of the following title: "An act to vacate the plat of the town of Vermilionville, in La Salle county."

They have also concurred with the Senate in the adoption of a resolution having for its object the election of a United State's Senator, on Wednesday next, 16th inst. And he withdrew.

Mr. Speaker laid before the Senate a report from the Fund Commissioner, made in pursuance of a resolution of the Senate; which was read, and,

On motion of Mr. Gaston,

Laid on the table, and

*Ordered* to be printed for the use of the Senate.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, and the engrossed bill, entitled "An act to provide for the payment of the interest on the internal improvement debt," was taken up, and read the third time and passed in the affirmative;

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Little, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Ross, Slocumb, Stadden, Warren and Witt—21.

Those voting in the negative, are,

Messrs. Davidson, Fithian, Harris, Harrison, Henry, Herndon, Hunter, James, Johnston, Killpatrick, Monroe, Nunnally, Snyder, Stapp and Wood—15.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Ross,

Leave of absence was granted to Mr. Sargent, until Monday next.

On motion of Mr. Hacker,

*Resolved*, That Richard F. Barrett, Fund Commissioner, be requested to communicate to the Senate any recent intelligence he may have received, touching the payment of the January interest from New York or elsewhere.

Mr. Hacker submitted the account of Mr. Justin Post, for services rendered on the Illinois and Michigan canal.

Whereupon,

On motion of Mr. Hacker,

*Resolved*, That the committee on Canals and Canal Lands be instructed to inquire into the expediency or in expediency of allowing the account of Justin Post, Esq. herewith submitted for services, as engineer, rendered on the Illinois and Michigan canal, and that the committee have leave to report by bill or otherwise; should said committee be of opinion that said account should be allowed, or any part thereof, that said payment be made out of the canal fund.

On motion of Mr. Fithian,

*Resolved*, That the Public Printer be required to report to the Senate the amount of paper and stationary of every kind purchased and used by him in the printing done for the State during the session of 1839 and '40, and in the printing of the laws and journals of that session; particularly specifying the different sizes and qualities, and the prices paid for each ream of the paper.

Mr. Pearson, on leave given, introduced a bill, entitled "An act to vacate a part of John Pearson's addition to the town of Danville; which was read, and

*Ordered* to a second reading.

Mr. Pearson, on leave given, introduced a bill, entitled "An act to limit the tenure of public administrators, notaries public and masters in chancery;" which was read, and

*Ordered* to a second reading.

Mr. Nunnally, on leave given, introduced a bill, entitled "An act to repeal an act, entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court;'" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The order of business was suspended;

Whereupon,

Mr. Monroe, from the committee on Finance, to which was referred the bill, entitled "An act to amend an act, entitled 'An act concerning the public revenue,' approved February 26, 1839," reported the same back without amendment, and recommended the passage of said bill.

*Ordered* to be engrossed and read a third time.

Mr. Herndon, on leave given, introduced a bill, entitled "An act to repeal an act regulating the interest upon money;" which was read, and

*Ordered* to a second reading.

The engrossed bills, entitled

"An act to incorporate the Benton Academy, in Franklin county;" and

"An act to authorize the removal of the seat of justice of Adam<sup>s</sup> county;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills, entitled

"An act re-organizing the Judiciary of the State of Illinois;" and

"An act to charter a Female Academy in Marion county;"

Were severally read the second time, and referred to the committee on the Judiciary.

The bill, entitled "An act to amend an act in relation to the State House, and to define the duties of the Commissioners thereof," was read the second time, and,

On motion of Mr. Herndon,

Referred to the committee on Public Buildings.

The bill from the House of Representatives, entitled "An act to extend the time for taking an enumeration of the inhabitants of this State," was read the second time, and,

On motion of Mr. Ralston,

Referred to the committee on Elections.

On motion,

The Senate adjourned.

## SATURDAY, DECEMBER 12, 1840.

Senate met pursuant to adjournment.

Mr. John Houston, from the counties of Crawford, Lawrence and Jasper, appeared and took his seat.

Mr. Speaker laid before the Senate the report of Richard F. Barrett, Fund Commissioner, in pursuance of a resolution passed on yesterday; which was read, and,

On motion of Mr. Henry,

Referred to the committee on Finance.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;" and

"An act making partial appropriations."

In the passage of which bills they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill for "An act for the relief of the inhabitants of town thirty-three north, range three east of the third principal meridian."

They have refused to concur with the Senate in the passage of a bill for "An act to provide for the payment of interest on the internal improvement debt." And he withdrew.

Mr. Ralston moved to suspend the order of business, for the purpose of

taking up a bill from the House of Representatives, entitled "An act making partial appropriations," which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Gatewood, Hacker, Hamlin, Harrison, Little, Markley, Moore, Ralston, Richardson, Ross, Stadden, Stapp, Warren, Witt and Wood—15.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Harris, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Monroe, Nunnally, Parrish, Pearson, Slocumb and Snyder—23.

Mr. Snyder, from the committee on the Judiciary, to which was referred a bill, entitled "An act to charter a female academy in Marion county," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Snyder, from the same committee, to which was referred the bill, entitled "An act to amend an act to incorporate the Hamilton Primary School," reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

Mr. Gatewood, from the committee on Finance, to which was referred a bill for "An act providing for the collection of the State revenue in Greene, Bond and other counties," reported the same back and asked to be discharged from the further consideration of the same; which was agreed to;

And the question recurring on ordering said bill to be engrossed for a third reading,

Mr. Gatewood moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Mr. Gatewood, from the same committee, to which was referred so much of the Governor's message as relates to providing means for the payment of the January interest, reported the same back to the Senate, and asked to be discharged from the further consideration thereof; which was agreed to; and,

On motion of Mr. Gatewood,

Said resolution and report was laid upon the table.

Mr. Gatewood, from the same committee, to which was referred a resolution in relation to so amending the revenue law as to provide for an equal assessment on property, also a resolution in relation to the expediency of making the office of assessor elective by the people, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Gatewood,

Said resolution, together with the report, was laid on the table.

On motion of Mr. Gatewood,

*Resolved*, That a committee of three be appointed to examine into the contract entered into, June 8, 1839, by E. G. Nichols, with the late Commissioner of the 7th Judicial Circuit, for the improvement of the upper rapids on Rock river, and that said committee have power to send for persons and papers, and after collecting the testimony, to report the same to the Senate.

*Ordered*, That Messrs. Gatewood, Hamlin and Harrison, be that committee.

On motion of Mr. Pearson,

*Resolved*, That the committee on Canals and Canal Lands, inquire into, and report to the Senate as soon as convenient, the available resources of the State, such as canal lands, lots and water power, which may be sold to pay off the interest on the canal debt; and to give the Senate such further and other information in their power, evidencing the practicability or impracticability of completing said canal.

Mr. Markley moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the electors, at the next general election, be recommended to vote for or against the calling of a convention to amend the Constitution of the State of Illinois; which was read, and,

On motion of Mr. Ralston,

Referred to the committee on Elections.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Parrish, on leave given, introduced a bill, entitled "An act to repeal all laws paying militia officers out of the State treasury;" which was read, and

*Ordered* to a second reading.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled, a bill for "An act to vacate a part of the plat of Vermilionville, in La Salle county;" and

A bill for "An act for the relief of the inhabitants of town thirty-three north, range three, east of the third principal meridian."

And also, that they have this day laid the same before the Council of Revision.

Mr. Speaker laid before the Senate the report of the Public Printer, made in pursuance of a resolution of the Senate in relation to the prices of paper &c.; which was read, and,

On motion of Mr. Fithian,

Laid on the table.

Mr. Ralston, on leave given, introduced a bill, entitled "An act defining the duty of Fund Commissioner;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill read a second time by its title;

Mr. Baker moved to amend the same by adding the following:

"Provided that for the purpose of securing the means for the repayment,

✓

of the sum so borrowed by virtue of any of the provisions of this bill, the following means are set apart and solemnly pledged for the ultimate payment of said sum and the interest accruing thereon, one half the entire proceeds, after deducting expenses of collection, arising from the tax, of twenty cents upon each hundred dollars upon the real and personal property in this State, authorized to be raised and levied by "An act ——— approved February 24, 1839," and the Governor is hereby authorized to receive and receipt for said sum, or so much thereof as may be necessary, from the proper officer, and it is hereby made his duty to cause said sum to be applied to the repayment of the sum borrowed by virtue of the provisions of this bill in such way as may in his opinion be necessary."

On motion,

The Senate adjourned.

### MONDAY, DECEMBER 14, 1840.

Senate met pursuant to adjournment.

Mr. Little, on leave given, introduced a bill, entitled "An act incorporating the church at Nauvoo;" which was read, and

*Ordered* to a second reading.

Mr. Ralston, on leave given, introduced a bill, entitled "An act to incorporate Medical Societies; which was read, and

*Ordered* to a second reading.

Mr. Moore, asked and obtained leave to introduce a bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts;" which was read, and

*Ordered* to a second reading.

Mr. Stapp, asked and obtained leave to withdraw from the file of the Senate the bill, some days since "indefinitely postponed," entitled "An act providing for the collection of the State revenue in Greene, Bond and other counties."

The bill, entitled "An act defining the duties of Fund Commissioner," being under consideration, and the question recurring on the question pending at the time of adjournment on Saturday last, which was upon the adoption of the amendment proposed by Mr. Baker;

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Feaman, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, Killpatrick, Little, Monroe, Ross, Snyder, Stapp, Witt and Wood—17.

Those voting in the negative, are,

Messrs. Allen, Davidson, Evans, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Stadden and Warren—20.

Mr. Gatewood moved to amend said bill by striking out all after the enacting clause, and insert the following in lieu thereof, viz:

"SEC. 1. That the Fund Commissioner of this State be, and he is hereby empowered to hypothecate State bonds, at, and upon the best possible terms, to an amount sufficient to pay the interest on the public debt which shall become due and payable on the first day of January next, and at no higher rate of interest than seven per centum per annum for the sum of money so to be obtained: and also, a sum for the further purpose and sufficient to pay freights, duties and other incidental charges upon railroad iron, which has been received and to be received under contracts heretofore made by the agents of the State, and likewise to pay the necessary charges of the prosecution of certain claims already prosecuted or to be prosecuted in the State of New York.

"SEC. 2. The bonds so hypothecated shall not be pledged by the Fund Commissioner to be sold for less than their current value at the time of the expiration of the repayment of the sum for which they shall be hypothecated, nor shall the same be offered for sale without giving, by the holder, ninety days notice to the Treasurer of the State of the intention to offer such bonds for sale.

"SEC. 3. The Fund Commissioner shall not be authorized to pay interest upon any bonds of this State which have been negotiated, for which a consideration has not been received by the State, and which shall be held by the original purchaser or contracting party;" which was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt and Wood—21.

Those voting in the negative, are,  
Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, James, Johnston, Killpatrick, Little, Monroe, Ross and Stapp—16.

And on the question—"Shall said bill be engrossed, as amended, and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Stadden, Warren and Witt—19.

Those voting in the negative, are,  
Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, James, Johnston, Killpatrick, Little, Monroe, Ross, Snyder, Stapp and Wood—18.

The engrossed bills, entitled

"An act to charter a Female Academy in Marion county;" and  
"An act to amend an act to incorporate the Hamilton primary school;"  
Were severally read the third time and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to amend an act, entitled 'An act concerning the public revenue,' approved February 23, 1839," was read the third time and passed.

Mr. Monroe moved to amend the title of said bill, so as to make it read "An act in relation to pedlars;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills, entitled

"An act to vacate a part of John Pearson's addition to the town of Danville;" and

"An act to limit the tenure of public administrators, notaries public and masters in chancery;"

Were severally read the second time, and referred to the committee on the Judiciary.

The bill, entitled "An act to repeal an act, entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court,'" was read the second time, and,

On motion of Mr. Parrish,

Referred to the committee on Finance.

The bill, entitled "An act to repeal an act regulating the interest upon money," was read the second time;

And on the question—"Shall the bill be engrossed and read a third time?"

It was decided in the negative.

The bill, entitled "An act to repeal all laws paying militia officers out of the State Treasury," was read the second time, and,

On motion of Mr. Harris,

Referred to the committee on Military Affairs.

The bills from the House of Representatives, entitled

"An act making partial appropriations;" and

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;"

Were severally read the first time, and

*Ordered* to a second reading.

Mr. Fithian moved to take up the report of the Public Printer, some days since laid on the table; which was agreed to, and,

On motion of Mr. Ross,

Said report was referred to the committee on Public Accounts and Expenditures.

Mr. Gatewood moved the adoption of the following resolutions, viz:

*Resolved by the Senate and House of Representatives of the State of Illinois*, That our Senators in Congress be instructed and our Representatives be requested to use their exertions to prevent the repeal of the act of Congress passed at the last session commonly known as the law establishing the Independent Treasury.

*Resolved*, That they likewise be instructed and requested to vote against all bills having for their object the establishment of a National Bank.

*Resolved*, That the Governor of the State be requested respectfully to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress;" which was read, and,

On motion of Mr. Gatewood,

Laid on the table.



Mr. Gatewood, on leave given, introduced a bill, entitled "An act to regulate Foreign Insurance Company Agencies established in the State of Illinois;" which was read, and

*Ordered* to a second reading.

Mr. Gatewood, on leave given, introduced a bill, entitled "An act to interpret and construe an act, entitled 'An act in relation to the State Bank of Illinois,' approved January 31, 1840;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gibbs,

*Resolved*, That the medical gentlemen that have been forming a medical society, may have the use of the Senate chamber on Tuesday evening next.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of the following bills:

"An act to incorporate the city of Nauvoo;" and

"An act to vacate the town plat of the town of Lancaster, in Henry county;"

And he withdrew.

On motion,

The Senate adjourned.

## TUESDAY, DECEMBER 15, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of the State House Commissioners in relation to the duties of their office; which was read, and,

On motion of Mr. Herndon,

*Ordered*, That the report be referred to the committee on Public Accounts and Expenditures with instructions to proceed immediately to investigate the accounts of the said State House Commissioners and that they report at as early a day as possible; also, that they inquire into the expediency of reporting a bill making further appropriations.

On motion of Mr. Gatewood,

*Resolved*, That the State Bank of Illinois report to the Senate when it resumed specie payment, and whether it did, at the same time, pass a resolution not to pay any more Auditor's warrants, and when, if any such resolution was passed, the reasons for such refusal, and if it has not, whether it at present intends to pass or adopt such resolution.

On motion of Mr. Gatewood,

*Resolved*, That the Auditor of Public Accounts be, and he is hereby required to furnish the Senate with the copy of a contract made by him with the President and Directors of the State Bank of Illinois, under the provisions of an act entitled "An act to provide for the safe keeping and security of the public money" passed March 4, 1837.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act to repeal an act incorporating the town of Juliet;"

"An act authorizing the erection of a bridge across Saline river;"

"An act supplemental to an act, entitled 'An act in relation to Charleston seminary and Jonesborough college,' approved February 3, 1840;"

"An act to authorize Charles Sanbourn, a minor, to execute a deed to a person therein named;"

In the passage of which bills they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a bill for "An act to vacate the town plat of the town of Livingston;" as amended by the House.

In which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Gatewood moved the adoption of the following resolution, viz:

*Resolved,* That the President of the Bank of Illinois be requested to inform the Senate whether or not, that institution will consent, on the part of the private stockholders, to the increase of the capital of the same to five millions of dollars, with an increase of the directors on the part of the State, with a further privilege of establishing additional branches in this State.

Mr. Herndon moved to amend the same by inserting after the word "State" in the seventh line the following, viz:

"In proportion to the capital stock owned by the State."

On motion of Mr. Hacker,

Said resolution together, with the proposed amendment, was laid on the table.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

A bill for "An act to provide for the payment of the interest on the internal improvement debt."

In the passage of which bill they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Hacker,

The order of business was suspended:

And the bill contained in the message just received from the House of Representatives, entitled "An act to provide for the payment of the interest on the internal improvement debt," was taken up, read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, and said bill read the second time.

Mr. Davidson moved to amend the same as follows, viz:

Amend the first section by adding "and for the money so borrowed to

said Commissioner is authorized to pay an interest not exceeding seven per cent. per annum, payable semi-annually.

"Sec. 3. That the interest upon the bonds herein authorized to be hypothecated shall not be paid to the holder thereof, unless they become forfeited;" which was agreed to;

And said bill, as amended, was

*Ordered* to a third reading.

Mr. Hacker moved further to dispense with the rule, and that the bill be now read a third time; which was agreed to.

Mr. Ralston moved to amend by striking out the words in the 3d section "unless they become forfeited," and insert the words "until the year 1813," in lieu thereof; which was agreed to.

And on the question—"Shall said bill pass as amended?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Houston, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Stadden, Warren and Witt—24.

Those voting in the negative, are,

Messrs. Baker, Churchill, Fithian, Harris, Henry, Herndon, Hunter, Killpatrick, Monroe, Ross, Sargent, Snyder, Stapp and Wood—14.

*Ordered*, That the title be as aforesaid and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Gatewood moved to reconsider the vote taken this morning on the passage of a bill, entitled "An act to provide for the payment of the interest on the internal improvement debt;" which was decided in the affirmative.

Mr. Gatewood moved to amend said bill by striking out the 3d section and inserting the following in lieu thereof, viz:

"The interest upon the bonds hereby authorized to be hypothecated or pledged, shall be computed only from the day said bonds may become forfeited from the failure on the part of the State to redeem the same; and moreover, before the person or persons to whom the said bond may be so pledged shall not expose the same to sale without giving to the Treasurer of the State of Illinois, ninety days notice of his, her, or their intention so to do."

Mr. Hacker moved to amend said bill by striking out all after the enacting clause, and inserting the following in lieu thereof, viz:

"That the Fund Commissioner is hereby authorized and empowered to hypothecate any amount of State internal improvement bonds which may

be necessary, not exceeding \$300,000, to raise a sufficient sum of money to pay the interest which will fall due on the internal improvement debt on the first Monday of January, 1841.

SEC. 2. Said money so to be borrowed shall bear an annual interest at a rate not to exceed seven per centum per annum, and bonds hereby hypothecated shall be redeemable at any time before the year 1843; *Provided*, that interest shall not run on the bonds hereby hypothecated unless said bonds shall be forfeited by the State; which was decided in the affirmative.

And the question then being put—"Shall said bill, as amended, pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Feaman, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Houston, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren and Witt—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Evans, Fithian, Gaston, Harris, Henry, Herndon, Hunter, James, Killpatrick, Monroe, Ross, Sargent, Snyder, Stapp and Wood—17.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled a bill for "An act to vacate the town plat of the town of Lancaster in Henry county;" and

"An act to incorporate the city of Nauvoo."

And also, that the same has this day been laid before the Council of Revision.

Mr. Witt moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the two Houses will meet in the Hall of the House of Representatives to-morrow at two o'clock, P. M. for the purpose of electing an Attorney General for the State of Illinois; which was not adopted.

Mr. Stapp moved the adoption of the following preamble and resolution, viz:

*Whereas*, it appears by the Auditor's report to the present General Assembly that a difference of opinion exists between the officers of the Shawneetown Bank and the Auditor of Public Accounts with regard to the amount of bonus due from said Bank to the State. Therefore,

*Resolved*, That so much of the Auditor's report as relates to the amount of bonus due from the Shawneetown Bank be referred to the committee on Finance, with instructions to investigate the matter of difference, and that they report the result of their deliberations and conclusions by bill or otherwise; which was read and adopted.

The engrossed bill, entitled "An act to define the duty of Fund Commissioner," was read the third time, and,

On motion of Mr. Hacker,

Laid on the table.

The bills, entitled

"An act to regulate Foreign Insurance company agencies, established in the State of Illinois;" and

"An act to interpret and construe an act, entitled 'An act in relation to the State Bank of Illinois,' approved January 31, 1840;"

Were read the second time, and referred to the committee on the Judiciary.

The bill, entitled "An act incorporating a church at Nauvoo," was read the second time;

Mr. Little moved to amend the same by striking out all after the enacting clause, and insert the following, viz:

"That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint one notary public in the city of Nauvoo, in Hancock county, whose duties and term of service shall be the same as are now required and prescribed by law in respect to other notaries public;" which was agreed to;

And said bill, as amended, was

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to incorporate Medical Societies," was read the second time, and,

On motion of Mr. Gibbs,

Referred to the committee on Salines and Saline Lands.

A message from the Council of Revision, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am requested by the Council of Revision to inform the Senate that they have approved bills of the following titles, viz:

"An act to vacate a part of the plat of Vermillionville, in La Salle county;" and

"An act for the relief of the inhabitants of town thirty-three, north of range three, east of the third principal meridian."

And he withdrew.

The bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts," was read the second time, and,

On motion of Mr. Allen,

Referred to a select committee.

*Ordered*, That Messrs. Allen, Warren, and Moore be that committee.

The bill from the House of Representatives, entitled "An act making partial appropriations," was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have agreed with them in their amendment to a bill

for "An act to provide for paying the interest on the internal improvement debt. And he withdrew.

The bill from the House of Representatives, entitled "An act to incorporate Medical Societies," was read the second time, and,

On motion of Mr. Gibbs,

Referred to the committee on Salines and Saline Lands.

On motion,

The Senate adjourned.

### WEDNESDAY, DECEMBER 16, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of the Auditor of Public Accounts, made in pursuance of a resolution of the Senate; which was read, and,

On motion of Mr. Parrish,

Referred to the committee on Salines and Saline Lands.

Mr. Speaker laid before the Senate a report from the Auditor of Public Accounts, in relation to the contracts made with the State Bank of Illinois; which was read, and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

Mr. Speaker laid before the Senate a report from the President of the State Bank of Illinois in relation to the resumption of specie payments; which was read, and,

On motion of Mr. Little,

Laid on the table, and

*Ordered* to be printed for the use of the Senate.

Mr. Speaker laid before the Senate a report from the Board of Public Works, in pursuance of a resolution of the Senate in relation to the Northern Cross Railroad; which was read, and,

On motion of Mr. Sargent,

Laid on the table, and

*Ordered* to be printed for the use of the Senate.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the Governor appoint three suitable persons, who shall repair immediately to Lockport and make a full and complete investigation into the conduct and proceedings of the Canal Commissioners, and report thereof to the present session of the General Assembly, and they are authorized to send for persons and papers.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Speaker laid before the Senate a report from the Board of Public Works, made in pursuance of a resolution of the Senate in relation to the issuing of scrip, &c.; which was read, and,

On motion of Mr. Parrish,

Laid on the table.

On motion of Mr. Wood,

*Resolved*, That the late Board of Public Works be requested to report to this Senate the names of all persons to whom scrip has been issued, and for what, particularly specifying and setting forth for what every sum classed under the head of miscellaneous, in their late report, was paid and to whom.

Mr. Little moved the adoption of the following preamble and resolution, viz:

*Whereas*, By a mistake of the Secretary of the Senate, a message has been delivered by him to the House of Representatives, informing them that a joint resolution has been passed by the Senate for the election of an Attorney General, which resolution accompanied the message and is now in the possession of the House, and whereas, said resolution has not passed the Senate. Therefore,

*Resolved by the Senate*, That the House of Representatives be respectfully requested to return said resolution to the Senate as soon as practicable; which was read and adopted.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The engrossed bill, entitled "An act to define the duties of Fund Commissioner," was read the third time, and,

On motion of Mr. Hacker,

Laid on the table.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved*, That the Clerk inform the Senate that the House of Representatives are now ready to receive them in the Hall of the House and proceed to the election of a Senator to the Congress of the United States.

Whereupon, the Senate, preceded by Mr. Speaker, repaired to the Representative Hall, and then both branches of the General Assembly proceeded, *viva voce*, to elect a Senator to the Congress of the United States, when the vote stood thus:

For Samuel McRoberts,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Studen, Warren, Witt and Wood, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Canady, Carpenter, Cavarly, Courtright, Cox, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood and Mr. Speaker, of the House of Representatives—77.

For Cyrus Edwards,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent and Stapp, of the Senate: and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Crain, Cunningham, Darnielle, Denny, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West and Woodson, of the House of Representatives—50.

For Edward D. Baker, Mr. Edwards, of the House of Representatives—1.

Mr. Samuel McRoberts, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected Senator in the Congress of the United States for six years from the 4th of March next for the State of Illinois.

Whereupon, the Senate returned to their chamber; and,

On motion,

The Senate adjourned.

## THURSDAY, DECEMBER 17, 1840.

Senate met pursuant to adjournment.

Mr. Cullom presented the petition of sundry citizens of Tazewell county, praying for a division of the same; and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Snyder, from the committee on the Judiciary, to which was referred a bill, entitled "An act to vacate a part of John Pearson's addition to the town of Danville," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Snyder, from the same committee, to which was referred a bill, entitled "An act to interpret and construe an act, entitled 'An act in rela-



tion to the State Bank of Illinois." approved January 31, 1840; reported the same back without amendment, and recommended the rejection of said bill.

Mr. Churchill moved to lay the same on the table; which was decided in the affirmative.

Mr. Snyder, from the same committee, to which was referred a bill, entitled "An act re-organizing the Judiciary of the State of Illinois," reported the same back, without amendment, and recommended the passage of the same.

Whereupon,

On motion of Mr. Snyder,

Said bill was referred to the committee of the Whole Senate and made the special order of the day for Monday next.

Mr. Witt moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein.* That the two Houses will meet in the Hall of the House of Representatives this evening at two o'clock, for the purpose of electing an Attorney General for the State of Illinois.

On motion of Mr. Hacker,

Said resolution was laid on the table.

On motion of Mr. Stapp,

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of providing by law for the payment semi-annually of the interest now due and hereafter to become due on all scrip which may have been issued in pursuance of "An act, entitled 'An act for the relief of contractors on public works in this State,'" approved February 3, 1840.

On motion of Mr. Pearson,

*Resolved,* That Thomas Mather, President of the State Bank of Illinois, inform the Senate if the Branch Bank at Chicago has been re-located according to the requirements of the 5th section of "An act in relation to the State Bank of Illinois," and if not, why the law has been disregarded.

Mr. Pearson moved the adoption of the following resolution, viz:

*Resolved,* That the Judiciary committee inquire into the expediency of repealing all laws in relation to especial rights of landlords over other creditors, so that hereafter landlords may not distrain goods for rent or have any more rights than other creditors unless by special contract.

Mr. Ross moved to lay the same on the table; which was decided in the negative as follows:

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Feaman, Fithian, Hamlin, Henry, Johnston, Killpatrick, Little, Markley, Ralston, Ross, Sargent, Slocumb, Snyder, Stapp and Warren—18.

Those voting in the negative, are,

Messrs. Allen, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Monroe, Moore, Nunnally, Parrish, Pearson, Richardson, Stadden, Witt, Wood, and their being a tie, Mr. Speaker—19.

The question then recurring on the adoption of the resolution,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Fithian, Gaston, Hacker, Herndon, Houston, Hunter,

Jan es, Monroe, Moore, Nunnally, Parrish, Pearson, Richardson, Stadden and Witt—16.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Feaman, Hamlin, Harris, Henry, Johnston, Killpatrick, Little, Markley, Ralston, Ross, Sargent, Slocumb, Snyder, Stapp, Warren, and Wood—19.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of a resolution, having for its object the correction of a mistake of the Secretary of the Senate in reporting a resolution to the House of Representatives, and said resolution so reported to the House of Representatives is herewith returned.

On motion of Mr. Nunnally,

*Resolved,* That the committee on Internal Improvements be directed to inquire into the expediency of making sale of the railroad iron, lands and all other property in anywise belonging to the system of Public Works with a view to wind up the same, and for the purpose of raising means to meet the demands against the State, and that they report by bill or otherwise.

On motion of Mr. Ralston,

*Resolved,* That the reporter for the Quincy Argus be allowed a seat within the bar of the Senate.

On motion of Mr. Stapp,

*Resolved,* That the Secretary of State communicate to the Senate from what counties in the State the returns of the census, for 1840, have not yet been received.

On motion of Mr. Wood,

*Resolved,* That the Governor inform the Senate whether or not, there is a vacancy in the office of Attorney General of this State.

Mr. Pearson moved to dispense with the order of business for the purpose of taking up a resolution contained in the message from the House of Representatives, in relation to the appointment of three suitable persons to investigate the official acts and conduct of the Canal Commissioners; which was not agreed to.

Mr. Moore, on leave given, introduced a bill, entitled "An act concerning county seats and county lines;" which was read, and

*Ordered* to a second reading.

Mr. Richardson, on leave given, introduced a bill, entitled "An act to incorporate the Schuyler city manufacturing company;" which was read, and

*Ordered* to a second reading.

Mr. Richardson moved to dispense with the rule, and that said bill be now read a second time by its title; which was not agreed to.

Mr. Hacker, on leave given, introduced a bill, entitled "An act to prevent the further sale of State bonds;" which was read, and

*Ordered* to a second reading.

Mr. Harrison, on leave given, introduced the following bills:

"An act to incorporate the Amesville Mill Company;" and

"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;'"

Which were severally read the first time, and

*Ordered* to a second reading.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act for the relief of certain securities therein named;" which was read, and

*Ordered* to a second reading.

Mr. Feaman, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act to incorporate the town Kaskaskia,'" approved January 6, 1818; which was read, and

*Ordered* to a second reading.

Mr. Slocumb, on leave given, introduced a bill, entitled "An act to incorporate the Philomathean Society of Mount Carmel Illinois: which was read, and

*Ordered* to a second reading.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The engrossed bill, entitled "An act to incorporate a church at Nauvoo," was read the third time and passed.

Mr. Little moved to amend the title of the bill so as to make it read "An act for the appointment of a notary public in the city of Nauvoo;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill contained in the message from the House of Representatives entitled "An act to vacate the town plat of the town of Livingston;" was taken up, and the amendment to said bill was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act in relation to Charleston seminary and Jonesborough college,'" approved February 3, 1840, was read the first time, and

*Ordered* to a second reading.

Mr. Monroe moved to dispense with the rule, and that said bill be read now a second time by its title; which was not agreed to.

The bills from the House of Representatives, entitled

"An act to repeal an act incorporating the town of Juliet;"

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act authorizing the erection of a bridge across Saline river;" and

"An act to authorize Charles Sanbourn, a minor, to execute a deed to a person therein named;"

Were severally read the first time, and

*Ordered* to a second reading.

A message from the House of Representatives, by Mr. Calhoun, their Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the two Houses of the General Assembly will meet in the Representative Hall, on Friday the 18th inst. at two o'clock, P. M., for the purpose of electing an Attorney General for this State.

In the passage of which resolution they ask the concurrence of the Senate. And he withdrew.

The resolution contained in the message of the House of Representatives, having for its object the appointment of three suitable persons to proceed to Lockport and investigate the official acts and doings of the Board of Canal Commissioners, was taken up and read.

Mr. Fithian moved to amend the same by striking out all after the word "That" in the first line, and insert the following in lieu thereof, viz:

"A joint select committee be appointed, to consist of three on the part of the Senate and five on the part of the House of Representatives, whose duty it shall be to examine fully and thoroughly all the official acts and doings of the Board of Commissioners of the Illinois and Michigan Canal from the commencement of said work in 1836, up to the present time, that they have power to send for persons, examine the same on oath, require an exhibition of all the records, books, papers and profiles appertaining to said office, and that they report specially to the present General Assembly at as early a day as practicable.

*"Resolved,* That the Board of Commissioners of the Illinois and Michigan canal be, and they are hereby required to bring down, without delay, to the city of Springfield all the records, books, profiles and papers appertaining to their said office, with their secretary and clerk, their principal and resident engineers in order to facilitate the investigation of all the official acts and doings of said Board."

Mr. Pearson moved to amend the amendment as follows, viz:

"That the committee so raised shall repair to Lockport and make the examination and report to this session of the General Assembly."

Mr. Snyder moved to lay said resolution, together with the proposed amendments, on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Feaman, Gaston, Gibbs, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Pearson, Ralston, Ross, Slacumb, Snyder, Stadden, Witt and Wood—20.

Those voting in the negative, are,

Messrs. Baker, Fithian, Hacker, Hamlin, Harris, Harrison, Henry, Killpatrick, Little, Monroe, Nunnally, Parrish, Richardson, Sargent, Stapp and Warren—16.

The resolution contained in the message just received from the House of Representatives in relation to the election of an Attorney General, was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Henry,

*Resolved*, That the use of the Senate chamber be tendered to the Education Convention for to-morrow evening and during their subsequent sessions.

A message from the Council of Revision by Mr. Douglass, Secretary of State:

The Council of Revision have passed bills of the following titles, viz:

"An act to vacate the town plat of the town of Lancaster in Henry county;" and

"An act to incorporate the city of Nauvoo."

And he withdrew.

On motion,

The Senate adjourned.

## FRIDAY, DECEMBER 18, 1840.

Senate met pursuant to adjournment.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

*Mr. Speaker* laid before the Senate the communication just received from the Governor, which is as follows, viz:

EXECUTIVE DEPARTMENT,

*Springfield, Ill., December 17, 1840.*

To the Hon. the *SPEAKER of the Senate*.

*SIR*: In conformity to a resolution of the Senate, of this date, requiring the Governor to inform the Senate whether or not there is a vacancy in the office of Attorney General of this State, I have the honor to report that vacancies have occurred by the resignation of the following named gentlemen, viz:

Wickliffe Kitchell, Attorney General, resigned Nov. 19, 1840.

John L. Pearson, Judge 7th Judicial Circuit, " " "

David W. Woodson State's Attorney, " " "

N. H. Purple, State's Attorney, 9th Judicial Circuit, Oct. 14, 1840.

I have the honor to be,

Very respectfully,

Your obedient servant,

THO. CARLIN.

On motion of Mr. Ross,

Said communication was laid on the table.

*Mr. Speaker* laid before the Senate the minority report of Mr. Job, one of the State House Commissioners; which was read, and,

On motion of Mr. Stapp,

Referred to the committee on Public Accounts and Expenditures.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act to amend an act, entitled 'An act to incorporate the city of Quincy,'" approved February 3, 1840, as amended by them.

In which amendment they ask the concurrence of the Senate.

Mr. Speaker laid before the Senate a report from Richard F. Barrett, Fund Commissioner, in relation to the hypothecation of Bonds for the payment of interest on the internal improvement debt and for the payment of charges and duties on rail road iron, &c; which was read, and,

On motion of Mr. Hacker,

Laid on the table.

Mr. Harrison presented the petition of Thomas Drum, guardian, &c praying for relief, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Monroe presented the petition of sundry citizens of Coles, Clark, Jasper and Effingham, praying for a new county to be called Cumberland, and,

On motion of Mr. Monroe,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Hamlin presented the petition of a portion of the inhabitants of the county of Peoria praying the passage of "An act of incorporation for the purpose of exporting county produce," and,

On motion of Mr. Hamlin,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Stapp presented the petition of the county commissioners of Henry county, in relation to an appropriation made to that county in 1839, and '40, and,

On motion of Mr. Stapp,

The reading of the same was dispensed with, and referred to the committee on Finance.

Mr. Henry presented the petition of sundry citizens of Morgan county praying the alteration of a State road therein named, and,

On motion of Mr. Henry,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Cullom presented the remonstrance of sundry citizens of Tazewell against any division of said county, and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on counties.

Mr. Herndon, from the committee on Public Buildings, to which was referred a bill, entitled "An act to amend an act in relation to the State House, and to define the duties of the Commissioner thereof," reported the same back with an amendment.

Mr. Gatewood moved the previous question;

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And the question then recurring on ordering said bill to be engrossed and read a third time;

Mr. Gatewood moved to reconsider the vote taken upon the ordering the main question to be now put; which was agreed to.

Mr. Herndon moved to lay said bills and the proposed amendment on the table; which was decided in the negative.

And the question then being taken—"Will the Senate concur with the amendment of the committee to said bill?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Herndon and Little—5.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Henry, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Snyder, Stadden, Stapp, Warren, Witt and Wood—30.

On motion of Mr. Gatewood,

Said bill was referred to the committee on Public Accounts and Expenditures.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they are now ready to receive the Senate in the Hall of the House of Representatives to proceed to the election of an Attorney General for the State of Illinois.

Whereupon, the Senate, preceded by their Speaker, repaired to the Hall of the House of Representatives, and then the two Houses of the General Assembly proceeded, *viva voce*, to the election of an Attorney General of the State of Illinois, when the vote stood thus:

Those who voted for Josiah Lamborn, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turley, West, White, Wilson, Wood and Mr. Speaker—75.

Those who voted for Mr. Woodson, are,  
Messrs. Baker, Churchill, Cullom, Davidson, Hamlin, Harrison, Killpatrick, Ross and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters and Webb, of the House of Representatives—45.

Mr. Henry, of the Senate, and Mr. Woodson, of the House of Representatives, voting for Mr. Yates—2.

Whereupon, Josiah Lamborn, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected to the office of Attorney General of the State of Illinois; and

Thereupon, the Senate returned to their chamber;

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled a bill for  
“An act to vacate the town plat of the town of Livingston.”

And that the same has this day been laid before the Council of Revision.

On motion,

The Senate adjourned.

## SATURDAY, DECEMBER 19, 1840.

Senate met pursuant to adjournment.

Mr. Ross presented the petition of sundry citizens of Pike county praying for the passage of a law authorizing an additional justice of the peace in the town of Florence, and,

On motion of Mr. Ross,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Houston presented the remonstrance of sundry citizens of Jasper county, against any division of said county, and,

On motion of Mr. Houston,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Harrison presented the petition of sundry citizens of Boon and McHenry counties, praying for an alteration of their county lines, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on counties.

Mr. Moore, from the committee on Counties, to which was referred the petition and remonstrances of sundry citizens of Tazewell, in relation to



the division of said county, reported a bill, entitled "An act to create the county of Vernon;" which was read, and

*Ordered* to a second reading.

Mr. Davidson, from the committee on School Lands and Education, to which was referred the petition of the inhabitants of range ten, town nineteen of Vermilion county, praying for the sale of certain school lands, reported a bill, entitled "An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;" which was read, and

*Ordered* to a second reading.

Mr. Richardson, from the committee on Elections, to which was referred a bill from the House of Representatives, entitled "An act to extend the time for taking an enumeration of this State," reported the same back without amendment and recommended the passage of the same.

*Ordered* to a third reading.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,'" approved February 3, 1827, reported the same back, without amendment, and recommended the passage of the same.

*Ordered* to be engrossed and read a third time.

A message from the Council of Revision by Mr. Purrinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate, that the Council of Revision have had under consideration "An act entitled an act to vacate the town plat of the town of Livingston," and that they return the same as improper to become a law, because the fourth section of the act vacates a part of a street without the consent of the proprietors of lots which may be bounded by the portion of the street proposed to be vacated. This would be an interference with private rights, which would, in our judgment, be both illegal and unjust.

THO. CARLIN,  
SAM'L. D. LOCKWOOD,  
THO. C. BROWNE,  
THEO'S. W. SMITH,  
WM. WILSON.

Dec. 18, 1840.

Mr. Moore, from the committee on Counties, to whom was referred a bill from the House of Representatives, entitled "An act declaring the town of Benton the permanent seat of justice for the county of Frank-  
lin," reported the same back, without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Warren moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses will meet in the Hall of the House, on Tuesday the 22d inst. at two o'clock, P. M., and elect States Attorneys for the second, fourth, fifth, sixth, seventh and ninth Judicial Circuits of this State.

Mr. Moore moved to amend by striking out the word "fourth."

Whereupon,

On motion of Mr. Stadden,

Said resolution and proposed amendment was laid on the table.

On motion of Mr. Harris,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws regulating judgments and executions as to give the defendant the privilege in all cases of redeeming real estate sold by virtue of decrees in chancery as well as judgments in courts at law.

Mr. Hunter moved the adoption of the following resolution, viz: .

*Resolved by the Senate, the House of Representatives concurring herein*, That all resolutions heretofore passed prohibiting Congress from locating the Cumberland road through any part of this State excepting to Alton, be, and the same are hereby rescinded, and that Congress may have the right to continue the said road through the State of Illinois to any point which may be deemed most proper; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Henry, Houston, Hunter, Johnston, Killpatrick, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, and Wood—26.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harris, Harrison, Herndon, James, Little, Warren and Witt—13.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Nunnally,

*Resolved*, That his Excellency, the Governor, be requested to communicate to the Senate all the information in his possession in relation to the amount and quality of work done on the Great Wabash river, the amount of the expenditures made on said river, as also the available means, if any, subject to the further prosecution of the improvement of said river.

Mr. Killpatrick moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of repealing the law defining the manner of proceeding in petitioning the Legislature for locating or altering State roads; which was not agreed to.

Mr. Ralston, on leave given, introduced a bill, entitled "An act to amend an act simplifying the proceedings at law for the collection of debts," approved February 25, 1833; which was read, and

*Ordered* to a second reading.

Mr. Harrison, on leave given, introduced a bill, entitled "An act to legalize the acts of Samuel C. McClure as probate justice of the peace of Ogle County;" which was read, and

*Ordered* to a second reading.

Mr. James, on leave given, introduced a bill, entitled "An act to incorporate the Western Marine and Fire Insurance Company;" which was read, and

*Ordered* to a second reading.

Mr. Ralston, on leave given, introduced a bill, entitled "An act to incorporate the Payson Academy;" which was read, and

*Ordered* to a second reading.

Mr. James, on leave given, introduce a bill, entitled "An act authorizing the county commissioners of Monroe county to borrow money for certain purposes;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The order of business was suspended;

Whereupon,

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved by the Senate and House of Representatives*, That the Fund Commissioner be, and he is hereby authorized to pay to Williamson Gatewood the amount of his salary as Secretary of the Board of Fund Commissioners for the year 1840, as agreed upon by the late Board of Fund Commissioners.

Mr. Little moved to amend the same by adding the words "*Provided*, that the sum so paid shall not exceed the sum of six hundred dollars per annum."

On motion of Mr. Hacker,

Said resolution, together with the proposed amendment, was laid upon the table;

Mr. Hacker moved to further suspend the order of business for the purpose of taking up the resolutions, some days since laid on the table, in relation to the Sub-Treasury, &c.;" which was not agreed to.

Mr. Speaker laid before the Senate the report of the Cashier of the State Bank of Illinois in relation to the names of the officers of said Bank, their salaries, &c.; which was read, and,

On motion of Mr. Herndon,

Laid on the table, and

*Ordered* to be printed for the use of the Senate.

The engrossed bill, entitled "An act to vacate a part of John Pearson's addition to the town of Danville," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act concerning county seats and county lines," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Finance.

The bill, entitled "An act to incorporate the Schuyler city Manufacturing Company," was read the second time, and

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to prevent the further sale of State bonds," was read the second time;

Mr. Gatewood moved to amend the same by adding the following as an additional section, viz:

"Sec. That the Fund Commissioner be, and he is hereby instructed and directed not to sell or dispose of any State bonds in payment or discharge of any scrip which may have been heretofore issued by any officers of this State for internal improvement or other purposes until otherwise directed by law."

Whereupon,

On motion of Mr. Ross,

Said bill, together with the proposed amendment, were referred to the committee on Finance.

The bill, entitled "An act to incorporate the Amesville Mill Company," was read the second time, and,

On motion of Mr. Harrison,

Referred to the committee on the Judiciary.

On motion of Mr. Hacker,

The order of business was suspended, and,

The bill, entitled "An act to interpret and construe an act, entitled 'An act in relation to the State Bank of Illinois,' approved January 31, 1840, was taken up;

Mr. Parrish moved to refer the same to the committee on Finance; which was not agreed to;

Mr. Gatewood moved that the further consideration of said bill be indefinitely postponed.

Mr. Hacker moved to lay the same on the table; which was not agreed to.

And the question then being put—"Shall the further consideration of said bill be indefinitely postponed?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Snyder, Stadden and Wood—30.

Those voting in the negative, are,

Messrs. Allen, Hacker, Johnston, Little, Ross, Warren and Witt—7.

On motion,

The Senate adjourned.

## MONDAY, DECEMBER 21, 1840.

Senate met pursuant to adjournment.

Mr. Monroe presented the petition of sundry citizens of Coles, Clark and Jasper counties, praying for the formation of a new county, and,

On motion of Mr. Monroe,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Stapp presented the petition of 766 citizens of Warren county asking for a division of said county, and,

On motion of Mr. Stapp,

The reading of the same was dispensed with, and referred to the committee on Counties.

On motion of Mr. Little,

Leave of absence was granted to Mr. Ross for the space of one week.

On motion of Mr. Ralston,

Leave of absence was granted to Mr. Richardson for the term of seven days.

Mr. Harrison presented the petition of the county commissioners of Ogle county, asking leave to collect the tax of 1839, &c., and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on Finance.

On motion of Mr. Snyder,

Leave of absence was granted to Mr. Harris for the space of one week.

Mr. Parrish moved the adoption of the following resolution, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of changing the mode of assessing property so as to require justices of the peace to make the assessment of all property in their districts respectively, and report by bill or otherwise.

Mr. Allen moved to amend by striking out the words "justices of the peace," and inserting the words "the treasurer of each county," in lieu thereof; which was decided in the affirmative.

And the question then being taken on the adoption of said resolution as amended,

It was decided in the affirmative.

Mr. Killpatrick moved the adoption of the following resolution, viz:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law creating the county commissioners court, and that the duties of said court be done by a court of magistrates; which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the Senate four several communications in writing. And he withdrew.

Mr. Speaker laid before the Senate the report of the Governor, in pursuance of a resolution of the Senate in relation to the £10,000 placed on deposit in the United States Bank; which was read, and,

On motion of Mr. Sargent,

Laid on the table.

Mr. Speaker laid before the Senate the report of the Governor, in relation to the sale of State bonds on account of the contractors on the Illinois and Michigan canal: which was read, and,

On motion of Mr. Gatewood,

Laid on the table, and

*Ordered* to be printed for the use of the Senate.

Mr. Speaker announced that two of the communications just received from the Governor was upon executive business, and would be acted upon with closed doors.

Mr. Davidson moved that the communications now before the Senate be acted upon with open doors; which was agreed to.

Whereupon, the following communications were read as follows:

## EXECUTIVE DEPARTMENT,

*Springfield, Dec. 21, 1840.**To the Senate of Illinois:*

I nominate Alfred S. Ames, to be a notary public of Boone county, in place of Joseph Briggs, who has removed from said county.

James Nabb, to be a notary public for Lawrence county.

Calvin A. Warren, to be a notary public for Adams county, in place of J. N. Morris, resigned.

John W. Collett, to be a notary public for the county of Madison.

Henry D. Town, to be a notary public for the county of Morgan.

THO. CARLIN.

Mr. Harrison moved that the Senate do now advise and consent to the nominations just read; which was decided in the affirmative.

## EXECUTIVE DEPARTMENT,

*Springfield, December 19, 1840.**To the Senate of Illinois:*

I nominate Thomas Morris, Orville Sexton, Benjamin Bruce, John Limerick, John Crenshaw, George Leviston, James Darah, John Lane, Marmaduke S. Ensinger, to be Directors of the Bank of Illinois.

THO. CARLIN.

On motion of Mr. Pearson,

Said communication was laid on the table.

Mr. Speaker laid before the Senate the following communication from Mr. Douglass, Secretary of State, viz:

## OFFICE OF SECRETARY OF STATE,

*Springfield, December 18, 1840.**To the Hon. the SPEAKER of the Senate:*

SIR: In reply to a resolution of the Senate of the 7th inst., calling on the Secretary of State for those counties from which the returns of the census of the year 1840, have not been received, I have the honor to inform you that the counties of Cass, Cook, Scott, St. Clair and Stephenson, are those not yet received.

Which was read, and,

On motion of Mr. Ross,

Referred to the committee on School Lands and Education.

Mr. Johnston, on leave given, introduced a bill, entitled "An act to legalize the assessment of taxable property in the northern division of Jefferson county for the year 1840;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule of the Senate was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson, on leave given, introduced a bill, entitled "An act in relation to school, college and Seminary funds and Auditor's warrants;" which was read, and

*Ordered* to a second reading.

Mr. Pearson moved to dispense with the rule and that said bill be now read a second time by its title; which was not agreed to.

The bill, entitled "An act re-organizing the Judiciary of the State of Illinois," some days since referred to the committee of the Whole Senate, and made the order of the day for to-day, was taken up, and,

On motion of Mr. Allen,

The Senate now resolve itself into a committee of the Whole, for the purpose of taking said bill into consideration, Mr. Harrison in the chair, and after some time spent therein, Mr. Speaker resumed the chair; and,

Mr. Harrison reported, that the committee of the Whole Senate had, according to order, had the bill, entitled "An act re-organizing the Judiciary of the State of Illinois," under consideration and had made some progress therein, and have directed me to report the same to the Senate, and ask leave to sit again.

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted a memorial to Congress in relation to remitting the duties on railroad iron, &c.

In the adoption of which they ask the concurrence of the Senate.

Mr. Hacker moved to suspend the order of business for the purpose of taking up the resolutions, some days since offered by Mr. Gatewood, in relation to instructing our Senators and requesting our Representatives to vote against any repeal of the Independent Treasury bill, and to use their influence against the passage of any law creating a National Bank; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullo n, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—34.

Messrs. Hamlin and Little, voting in the negative—2.

Mr. Stapp moved to amend said resolution by striking out all after the word "Resolved," and insert the following in lieu thereof:

"That we deprecate the practice of the General Assembly of electing members of their own body to fill offices within the gift of the Legislature, as corrupting in its tendencies by throwing around such members as intend to, or may become candidates for office, an influence adverse to impartial and independent legislation.

*"Resolved,* That if the principles of the Sub-Treasury are correct, when applied to the General Government, those principles apply with equal force and effect to the State governments, and therefore expedient that the State revenue should be collected in gold and silver exclusively, and that it be disbursed by the officers collecting the same.

*"Resolved,* That any money, which is good enough for the people and the States, is also good enough for the General Government and its officers

and that no other or different kind of money should be exacted by the Government from the people.

*Resolved*, That the questions of a National Bank and Sub-Treasury have been fairly at issue before the people of the United States, in the late contest for President and Vice President of the United States, and that they have solemnly decided by an overwhelming majority, that the establishment of a National Bank upon good sound republican principles is not only safer and less expensive than the Sub-Treasury scheme, but that it is also necessary to restore to them a safe and sound currency throughout the Union, and that the Sub-Treasury law, or scheme, is anti-republican in its tendencies and detrimental to the best interests of the people of the United States and that this decision is in accordance with the expressed views of Washington and Madison, at least so far as the question of a National Bank is concerned.

That the sentence of unqualified condemnation by the people has been passed against the standing army plan, as recommended by Mr. Poinsett and endorsed by Mr. Van Buren, and that such an organization is only adapted to the canine soldiery system.

Mr. Johnston called for a division of the question;

And the question being first taken on striking out,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent and Stapp—14.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt and Wood—23.

The question then recurring on the adoption of the resolutions,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent and Stapp—14.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,'" approved February 3, 1827, was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills, entitled

"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;'" and



"An act for the relief of certain securities therein named."

Were severally read, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bills, entitled

"An act to incorporate the Philomathean Society of Mount Carmel Illinois;"

"An act to amend an act, entitled 'An act to incorporate, the town of Kaskaskia,'" approved January 6, 1818;

"An act to amend an act simplifying proceedings at law for the collection of debts," approved February 25, 1833;

"An act to legalize the acts of Samuel C. McClure as probate justice of the peace of Ogle county;"

"An act to incorporate the Western Marine and Fire Insurance Company;" and

"An act to incorporate the Payson Academy."

Were severally read the second time, and referred to the committee on the Judiciary.

The bill, entitled "An act to create the county of Vernon," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Counties.

The bills, entitled

"An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;" and

"An act authorizing the county commissioners of Monroe county to borrow money for certain purposes;"

Were severally read the second time, and

Ordered to be engrossed for a third reading.

The bills from the House of Representatives, entitled

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;" and

"An act to extend the time for taking an enumeration of the inhabitants of this State,"

Were severally read the third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary and Jonesboro' College,'" approved February 3, 1840, was read the second time;

Mr. Parrish moved to refer the same to the committee on the Judiciary.

Mr. Monroe moved to lay said bill on the table; which was decided in the affirmative.

The bill from the House of Representatives, entitled "An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes," was read the second time, and,

On motion of Mr. Herndon,

Laid on the table.

The bills from the House of Representatives, entitled

"An act to repeal an act incorporating the town of Juliet;"

"An act authorizing the erection of a bridge across Saline river;" and

"An act to authorize Charles Sanbourn, a minor, to execute a deed to a person therein named;"

Were severally read the second time, and

*Ordered* to a third reading.

The bill contained in the message from the House of Representatives, entitled "An act to amend an act, entitled 'An act to incorporate the city of Quincy,'" approved February 3, 1840, was taken up, and

On the question—"Will the Senate concur with the House of Representatives in their amendment to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill, entitled "An act to vacate the town plat of the town of Livingston," together with the objections of the Council of Revision thereto, was taken up;

Mr. Moore moved to amend the same by striking out the fourth section of said bill; which was agreed to, and

Said bill repassed, as amended.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The memorial contained in the message just received from the House of Representatives in relation to remitting the duty on railroad iron &c., was taken up and read,

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the same?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 22, 1840.

Senate met pursuant to adjournment.

Mr. Cullom presented the remonstrance of sundry citizens of Tazewell county, against any division of said county, and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Snyder presented the petition of many inhabitants of the town of Belleville, in St Clair county, praying the Legislature to repeal all acts incorporating said town, and,

On motion of Mr. Snyder,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Snyder presented the memorial of numerous inhabitants of the State of Illinois, of foreign birth, praying the Legislature to pass a declaratory act in reference to the right of suffrage by them, and,

On motion of Mr. Snyder,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Harrison presented the petition of the county commissioners of Ogle county, asking leave to levy an additional tax, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Parrish, from the committee on Salines and Saline Lands, made the following report, viz:

"The committee on Salines and Saline Lands, to which was referred a bill, entitled 'An act to incorporate Medical Societies,' have had the same under consideration, and report that they are sensible of the inestimable benefits society derives from the labors and exertions of our enlightened, talented and experienced body of Physicians, and that health, the greatest of earthly blessings, is of the first consideration to every human being, and all encouragement consistent with the principles of equality and the well being of society should be extended to those who labor to preserve or restore it. But your committee think this encouragement is to be found in measures differing widely from the provisions of the bill under consideration—as physicians are called forth in cases of sudden emergencies, when life or death often depends upon the speed of the remedy, affording them no time to contract for compensation or to use even ordinary caution in providing means of proving their services. A law softening the rule of evidence in such cases and affording them every reasonable facility for proving their demands seems to be called for in common justice. But while your committee is thus willing and desirous of recommending measures to facilitate and aid them in the recovery of compensation for their services, they cannot go further and recommend any measure intended to give them a corporate existence as a class, or confer any privileges upon them which are withheld from other classes and professions of men. Every man has a right to select his occupation or profession and rely upon his individual merit and exertions for success. Government cannot interfere or abridge this right without violating its trust and acting so far despotically, thus incorporating a body of men in each county with power to check persons from engaging in any certain occupation or profession would tend to arrest a man's first step in life, the choice of occupation and thrust him back as unfit to make the selection for himself. Further, is it not impolitic and unjust to establish a body of censors in each county with exclusive powers not only to determine who are worthy and fit subjects for the medical profession, but also, to determine for every

man, woman and child in the county or State, whom they shall employ to administer to them in sickness and distress, and more especially when this incorporated body of censors are to be physicians whose interest it will be to monopolize all the business themselves and exclude every thing that may threaten them with competition. If such privileges are given to a select body of physicians they cannot be justly refused to other bodies or professions; carpenters, smiths, farmers and taylor's are at least as necessary to society as physicians and as much entitled to legislative favor. Say then you establish in each county in this State a certain number of blacksmiths who shall have corporate power, can sue and be sued, &c., and with censorial and inquisitorial powers over all other blacksmiths within the bounds of said county or State, the effects to be expected from this measure would be the monopoly of all the business of the county by the select few and their friends. The evils are in both cases the same and only differ in degree. Such a monopoly appears to your committee unsuited to the genius of our institutions and the security of our State. For this and many other considerations, your committee cannot recommend the passage of the bill, they therefore report it back, and ask to be discharged from its further consideration; which was agreed to.

Mr. Monroe moved to lay said bill and report on the table, and that they be printed for the use of the Senate.

Mr. Henry called for a division of the question.

And the question being first taken on laying on the table,

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of bills of the following titles, as amended by the House of Representatives, viz:

"An act to incorporate the Benton Academy, in Franklin county;"

"An act making school commissioners elective by the people;"

"An act to legalize the assessment of property in the county of Peoria for the year 1840."

They have also amended the title of the last entitled bill, by adding after the word "Peoria" the words "and other counties."

In the adoption of which said several amendments they ask the concurrence of the Senate.

They have also passed bills of the following titles, to wit:

"An act declaring the edition of State Laws, published by Stephen F. Gale, evidence in courts of Justice;"

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a State road therein named;"

"An act to locate and establish a State road from Peoria, in Peoria county to Fairview, in Fulton county;"

"An act making compensation to the persons therein named "

In the passage of which they ask the concurrence of the Senate.

I am also directed to inform the Senate that they have adopted the following resolution, in which they ask the concurrence of the Senate, viz:

*Resolved,* That a joint select committee of three on the part of the House of Representatives and two on the part of the Senate, are hereby

instructed to prepare and report for the adoption of both branches of the General Assembly a memorial to Congress praying an alteration in the land laws, the object of which shall be to permit the actual settler and resident to enter and purchase of the General Government, without restriction in number, of forty acre tracts of the public lands, provided said entries may successively be made contiguous to, and adjoining the premises of such actual settler or resident, and provided furthermore, said lands shall have been in market by the General Government the term of five years and upwards; and they have appointed Messrs. Courtright, Froman and Kitchell, the committee on the part of the House. And he withdrew.

Mr. Moore, from the committee on Counties, to which was referred the petition of the citizens of Warren county, asking for a division of said county, reported a bill, entitled "An act to establish the county of Henderson;" which was read, and

*Ordered* to a second reading.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to incorporate the Amesville Mill Company," reported the same back with sundry amendments thereto.

Mr. Little moved that the further consideration of said bill and the proposed amendments be indefinitely postponed; which was decided in the affirmative.

Mr. Little, from the same committee, to which was referred the bill, entitled "An act to regulate Foreign Insurance Company agencies established in the State of Illinois," reported the same back, without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Baker,

*Resolved by the Senate, the House of Representatives concurring herein,* That a joint select committee consisting of two on the part of the Senate and three on the part of House, for each judicial circuit, be appointed to prepare and report a bill providing for an apportionment of representation in this State.

*Ordered,* That Messrs. Baker, Moore, Witt, Ross, Wood, Snyder, Johnston, Gatewood, Davidson, Nunnally, Ralston, Little, Harrison, Pearson, Hamlin and Stadden, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Cullom moved the adoption of the following preamble and resolution, viz:

*Whereas,* There is a large amount of railroad iron belonging to the State, which, according to law, will be subject to duty, if not laid down shortly, *And whereas,* the rails on the Pekin road to Tremont are laid, and are ready for laying down the iron. Therefore,

*Resolved,* That the committee on Internal Improvements, be instructed to take into consideration the propriety of laying down that part of the road lying between Pekin and Tremont; which was read and adopted.

On motion of Mr. Davidson,

*Resolved,* That there be added to the standing committees of the Senate a "committee on Incorporations."

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Internal Improvements, be instructed to inquire into the expediency of finishing so much of the Northern Cross railroad as lies between Jacksonville, in Morgan county, and Springfield in Sangamon county, also, into the expediency of finishing so much of the Central railroad as lies between the city of Cairo, in Alexander county and Rock river in Lee county, when funds can be procured at par on the credit of the State, and that they have leave to report by bill or otherwise.

Mr. Gatewood moved to amend the same by adding the following:

"And that said committee be instructed to inquire into the expediency of completing that part of the Alton and Shawneetown railroad as lies between Shawneetown and Equality."

Mr. Herndon moved to lay said resolution, and the proposed amendment, on the table; which was decided in the affirmative.

Mr. Monroe moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Public Accounts and Expenditures be required to report a bill to provide for the immediate payment of the operatives upon the public buildings in the city of Springfield; which was,

On motion of Mr. Monroe,

Laid on the table.

On motion of Mr. Ralston,

Leave of absence was granted to Mr. Witt for the term of seven days.

On motion,

The Senate adjourned.

### WEDNESDAY, DECEMBER 23, 1840.

Senate met pursuant to adjournment.

Mr. Speaker announced the following standing committee in pursuance of a resolution of yesterday, viz:

*On Incorporations*.—Messrs. Davidson, Little, Snyder, Nunnally and Ralston.

Mr. Cullom presented the petition of sundry citizens of Livingston, McLean, Tazewell and Peoria counties, praying for the location of a State road; which was read, and,

On motion of Mr. Cullom,

Referred to the committee on Public Roads.

Mr. Pearson presented the petition of sundry citizens of Will county, praying an alteration in the law in relation to jurors; which was read, and,

On motion of Mr. Pearson,

Referred to the committee on the Judiciary.

Mr. Gatewood presented the petition of J. F. Reed and S. S. Brooks, praying for the adjustment of their claims against the State; which was read, and,

On motion of Mr. Gatewood,

Referred to the committee on Internal Improvements,

Mr. Stadden presented the petition of sundry citizens of Ottawa, praying for the passage of a law establishing the public square in the town of Ottawa, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Canals and Canal Lands.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act to legalize the assessment of taxable property in the northern division of Jefferson county for the year 1840;"

Also, "An act for the appointment of a notary public in the city of Nauvoo."

They have also passed, as amended, a bill for "An act to charter a Female Academy in Marion county."

In which amendments they ask the concurrence of the Senate.

They have re-passed the bill for "An act to vacate the town plat of the town of Livingston," as amended by the Senate.

They have also passed a bill of the following title, viz:

A bill for "An act to amend the law in relation to chancery practice."

In which they ask the concurrence of the Senate.

I am also directed to inform the Senate that they have adopted the following resolution, with the vote thereon, viz:

*Resolved by the General Assembly of the State of Illinois,* That it be recommended to the electors of this State at the next general election for members of the General Assembly to vote for or against a convention to amend the Constitution of this State.

Those voting in the affirmative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Darnielle, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Humphrey, Kitchell, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Menard, Minshall, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler and Woodson—66.

Those voting in the negative, are,

Messrs. Baldwin, Bradford, Cavarly, Courtright, Crain, Cunningham, English, Hankins, Hicks, Laughlin, McGinnis, Marshall, Murphy of Cook, Odam, Oliver, Peck, Prentice, Threlkeld, White, Wilson, Wood and Mr. Speaker—22.

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Stadden presented the petition of sundry citizens of La Salle, Kane and De Kalb counties, praying for a new county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company,'" reported the same back, as amended by them, which amendment was read and concurred in.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Little, from the same committee, to which was referred a bill, entitled "An act to incorporate the Western Marine and Fire Insurance Company," reported the same back with an amendment; which was read and concurred in, and said bill

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Hacker, from the committee on Finance, to which was referred the bill, entitled "An act to prevent the further sale of State bonds with the proposed amendment thereto, reported the same back with an amendment, in which amendment they ask the concurrence of the Senate.

Mr. Stadden moved to amend the amendment of the committee by adding the following, viz:

"*Provided*, it shall not be so construed as to interfere with canal bonds heretofore authorized to be sold."

Mr. Stadden moved to lay said bill, together with the proposed amendment, on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Feaman, Gibbs, Hamlin, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Pearson, Ralston, Slocumb and Stadden—19.

Those voting in the negative, are,

Messrs. Churchill, Davidson, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Little, Monroe, Parrish, Sargent, Snyder, Stapp, Warren and Wood—16.

Mr. Gatewood, from the same committee, to which was referred the bill, entitled "An act to repeal an act entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court,'" reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Davidson moved that the further consideration of said bill be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Gatewood, Gibbs, Hacker, Harrison, Henry, Herndon, Killpatrick, Little, Monroe, Pearson, Slocumb, and Stapp—16.

Those voting in the negative, are,

Messrs. Allen, Feaman, Fithian, Gaston, Hamlin, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Sargent, Snyder, Stadden, Warren and Wood—19.

Mr. Little moved to amend said bill by adding the following as an additional section, viz:

"*Sec.* The act entitled "An act to amend 'An act to encourage the killing of wolves,'" approved February 15, 1837, and all other act



d parts of acts which make provision for the killing of wolves, be, and the same are hereby repealed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, James, Kill-trick, Little, Monroe, Nunnally, Parrish, Pearson, Slocumb, Snyder, Tidden and Stapp—24.

Those voting in the negative, are,

Messrs. Cullom, Gaston, Gibbs, Hunter, Johnston, Markley, Moore, Ralston, Sargent, Warren and Wood—11.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred the bill, entitled "An act to incorporate the Philomathean Society of Mount Carmel, Illinois," reported the same back without amendment;

Mr. Little moved that the further consideration of said bill be indefinitely postponed; which was decided in the negative.

*Ordered* to be engrossed and read a third time.

Mr. Gatewood, from the committee on Finance, made the following report, viz:

The committee on Finance, to which was referred the petition of the county court of Henry county, in relation to certain moneys and appropriations, claimed to be due from the State, have had the same under consideration, and have come to the conclusion that the prayer of the petitioners ought not to be granted; said committee concurs with the Auditor, as referred to in said petition, in the opinion that the revenue law of 1838-'9 virtually repealed the old law, under which the appropriation claimed by said court, of four hundred dollars was made, that act of appropriation was passed for the benefit of Henry county when her resident land holding population was sparse, and when the then existing revenue laws required the payment of all non-resident land tax into the State treasury, which then operated injuriously to Henry county, and that grant then thought to be an equivalent, and it has been regularly paid until the passage of the present revenue law of 1838-'9.

As to the other prayer of the petitioners, your committee would bare-ly remark that in their opinion it is altogether inexpedient to divert the collections on account of ordinary revenue to the payment of special appropriations made out of a particular fund, even though that fund should

and on the question—"Will the Senate concur with the committee in their report?"

was decided in the affirmative.

On motion of Mr. Little, said petition was laid on the table.

Mr. Ralston, from the committee on the Judiciary, to which was referred a resolution in relation to the redemption of real estate sold by virtue of decrees in chancery, reported a bill, entitled "An act in relation to practice in courts of law and equity;" which was read, and *ordered* to a second reading.

Mr. Gatewood, from the committee on Finance, to which was referred a resolution inquiring into the expediency of repealing all laws requiring

the Treasurer to deposit all moneys in the State Bank of Illinois, &c., reported a bill, entitled "An act to provide for the safe keeping and disbursement of the public revenue;" which was read, and

*Ordered* to a second reading.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill, entitled "An act to incorporate the Payson Academy," reported the same back, without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion,

The Senate adjourned.

### THURSDAY, DECEMBER 24, 1840.

Senate met pursuant to adjournment.

Mr. Allen presented the petition of 145 citizens of Jersey county praying for a change of the law regulating marriages; which was read and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

Mr. Hacker, from the committee on Finance, to which was referred the bill, entitled "An act for the relief of Henry county," reported the same back and asked to be discharged from the further consideration thereof which was agreed to, and,

On motion of Mr. Hacker,

Said bill was laid on the table.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a bill, entitled "An act to further amend the several acts in relation to the system of internal improvements;"

Also a bill, entitled "An act to repeal the system of internal improvements."

Also, a resolution inquiring into the expediency of reporting a bill to abolish the offices of Commissioners, &c. of the Board of Public Works reported the aforesaid several subjects back to the Senate, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Hacker,

The same was laid on the table.

Mr. Hacker, from the committee on Finance, to which was referred the communication of the Governor in relation to the late sale of State bonds to the agent of the canal contractors, reported the same back and asked to be discharged from its further consideration; which was agreed to, and,

On motion of Mr. Hacker,

Said communication was laid on the table.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker:* I am directed by the House of Representatives to inform

inform the Senate that they have adopted the following preamble and resolution, viz:

*Whereas*, Doubts have arisen as to the power of the Fund Commissioner to appoint an agent to act for him in bonding the railroad iron at the port of New Orleans. Be it therefore,

*Resolved and declared by the House of Representatives, the Senate concurring herein*, That the Fund Commissioner be, and he is hereby authorized to appoint an agent with full power to act for him in this behalf.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred the reports of the State House commissioners, reported the following resolutions, in the adoption of which they ask the concurrence of the Senate, viz:

1st. *Resolved*, That the State House Commissioners be requested to report at as early a day as practicable the amount of money due for services rendered and materials furnished in and about the erection of the State House, to whom due, and for what services or materials respectively the same is due.

2d. *Resolved*, That the State House Commissioners report as aforesaid the amount of salary, extra allowances and compensation, they and each of them have received since the 1st. day of January, 1839, particularly specifying when and to whom paid, and for what cause or consideration the extra allowances (if any) were made.

3d. *Resolved*, That they report, as aforesaid, the amount they have paid to Architects, Clerks and superintendants, when and to whom paid, and the amount due and owing to them under any contract or contracts with them.

4th. *Resolved*, That they report as aforesaid the amount of the costs of transportation of the *carved work* for the cupola and for the finish and embellishment of the interior of the State House, when and where made by whom the purchases were made, and what compensation they paid to the agent who made the purchases.

5th. *Resolved*, That they report, as aforesaid, a full statement exhibiting the amount of stone, brick, lime, sand and other materials, by them purchased for State House purposes and afterwards sold, to whom sold and at what price, and what disposition is made of the consideration money thus received.

6th. *Resolved*, That they report, as aforesaid, copies of all subsisting and unliquidated contracts for labor and materials to be used in and about the State House, with their estimate of the probable amount yet to be paid on each contract, when the same shall have been fully complied with by the contracting parties thereto.

7th. *Resolved*, That they report, as aforesaid the amount of money by them paid on account of the State House since the 1st. day of January, 1839, when, to whom and for what consideration paid, specifically referring to each item as the same was paid out according to law.

8th. *Resolved*, That said Commissioners are also requested to state whether, or not, they have kept a record of all their proceedings, and if they have not done so, their reasons therefor.

Mr. Gatewood moved to amend said resolutions by adding the following, viz:

*Resolved*, That they report, if in their power, the reasons why the sum of \$16,666 36, due to the State from the citizens of Springfield, has not been paid, and whether this sum, now due as aforesaid, has been drawn from the treasury and used on the building of the State House; which was agreed to.

And on the question—"Will the Senate concur with the committee in the adoption of the resolutions, as amended?"

It was decided in the affirmative.

Mr. Moore, from the committee on Counties, to which was referred the petition of sundry citizens of Boone and McHenry counties, praying for an alteration in their county lines, reported a bill, entitled "An act to define the bounds of Boone county," which was read, and

*Ordered* to a second reading.

Mr. Wood, from the committee on Petitions, to which was referred the petition of sundry citizens of Pike county in relation to an additional justice of the peace in the town of Florence, reported a bill, entitled "An act authorizing an additional justice of the peace and constable in the town of Florence in Pike county;" which was read, and

*Ordered* to a second reading.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That when the Legislature adjourns to-day it shall stand adjourned until 10 o'clock on Monday next, to enable the standing committees to transact the business before them.

In which they ask the concurrence of the Senate.

And he withdrew.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act to amend an act simplifying proceedings at law for the collection of debts," approved February 25, 1833; reported the same back, without amendment, and recommended the rejection of said bill;

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Herndon, Houston, Markley, Monroe, Moore, Nunnally, Parish, Pearson, Ralston, Siocumb, Stadden, Stapp, Warren and Wood—22.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Harrison, Henry, Hunter, James, Johnston, Little, Sargent and Snyder—13.

Mr. Snyder, from the same committee, to which was referred a bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,'" approved January 6, 1818, reported the same back, without amendment, and recommended the passage of said bill.

*Ordered* to be engrossed and read a third time.

Mr. Johnston, from the same committee, to which was referred a bill, entitled "An act to legalize the acts of Samuel C. McClure, as probate justice of the peace of Ogle county," reported the same back, without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Davidson,

The order of business was suspended,

And the resolution contained in the message of the House of Representatives, in relation to the adjournment of the two Houses until Monday next, was taken up;

Mr. Snyder moved to amend the same by striking out the words "to enable the standing committees to transact the business before them;" which was agreed to.

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the resolution, as amended?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Ralston, Stapp and Wood—4.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Sargent, Slocumb, Snyder, Stadden and Warren—27.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Sargent,

Leave of absence was granted to Mr. Killpatrick, until Monday next.

On motion of Mr. Davidson,

*Resolved by the Senate*, That the Secretary of State be requested to furnish the Senate with a tabular statement showing the number of inhabitants in each of the counties in the State according to the census just taken so far as he may have received the same.

On motion of Mr. Harrison,

*Resolved*, That a committee of three be appointed to draft and report a memorial to the Congress of the United States, asking the establishment of a National Armory at or near Rock Island, in the State of Illinois.

*Ordered*, That Messrs. Harrison, Stapp, and Little be that committee.

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved*, That a select committee of three be appointed to inquire into

the right of the Fund Commissioner to employ a Secretary, and the necessity for the same.

Mr. Stapp moved to amend by striking out "a select committee of three be appointed to" and insert "the committee on Internal Improvements," in lieu thereof; which was agreed to,

And the resolution, as amended, was adopted.

Mr. Stadden offered for adoption the following resolution, viz:

*Resolved*, That the committee on Roads be directed to report a bill providing for the equalizing of the road tax, so as to require every person to pay a road tax in proportion to the value of the property in their possession.

On motion of Mr. Allen,

Said resolution was laid on the table.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Public Roads be instructed to inquire into the expediency of passing a law authorizing and allowing county commissioners courts, whenever, in the opinion of said courts, it may be deemed necessary, to set apart a certain portion of the tax now authorized to be assessed for county purposes, not exceeding one half of the amount so levied, exclusively for road purposes, and that the person or persons from whom taxes may be so due, shall be allowed to discharge the same in labor on the public roads and within the road district in which he or they may reside, and that they report by bill or otherwise.

Mr. Hacker moved to amend by inserting after the word "labor" the words "at one dollar per day."

Mr. Moore moved to lay said resolution, and the proposed amendment, on the table; which was decided in the affirmative.

On motion of Mr. Pithian,

*Resolved*, That the Public Printer inform the Senate of the amount, qualities and kinds of paper and their prices, obtained by him for the printing of the session of 1840-'41, including the special session. At what place or places and of whom the paper was procured, and the expense of transporting the same to this place. Also, the amount of the different kinds of paper on hands, of the supplies obtained for the session of 1839-'40. Also, the rule by which he charges, and the amount charged for folding and stitching, and folding only of the reports, messages and other documents of the Legislature. Also, the amount of his charge per thousand ems for plain and figure work. Also, the charge per token for press work, and the authority under which he makes his charges for composition and press work.

On motion of Mr. Curchill,

*Resolved*, That the Governor be requested to inform the Senate whether the several agents employed by him in the year 1839, to negotiate canal loans or to convey funds from eastern cities to this State, have rendered their accounts for said services and had the same settled by the Governor, Auditor and Treasurer of this State, as required by the eighth section of the act of February 1, 1840, entitled "An act to amend the several laws in relation to the Illinois and Michigan canal," and that he forthwith inform the Senate the names of such agents and the amount of compensation paid to each.

Mr. Fithian, on leave given, introduced a bill, entitled a bill for "An act making appropriations for the years 1841 and 1842, and retrenching the expenses of the State; which was read,

And on the question—"Shall the bill be read the second time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hacker, Hamlin, Henry, James, Little, Markley, Ralston, Sargent, Snyder, Stadden, Stapp and Wood—16.

Those voting in the negative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Harrison, Herndon, Houston, Johnston, Monroe, Moore, Nunnally, Parrish, Pearson, Slocumb and Warren—18.

Mr. Gatewood, on leave given, introduce a bill, entitled "An act for the relief of A. P. Field, late Secretary of State;" which was read, and *Ordered* to a second reading.

On motion of Mr. Hacker,

The order of business was suspended,

And the resolution contained in the message from the House of Representatives in relation to the appointment of an agent to act for the Fund Commissioner in bonding railroad iron at New Orleans, was taken up and read;

Mr. Herndon moved to amend the same by adding the following, viz: "Confirming the obligation of such bonds as have been signed by the agent, or hereafter may be signed, and to do all other acts respecting the railroad iron, which the Fund Commissioner could legally do;" which was agreed to.

Mr. Gatewood moved to reconsider the vote just taken on the adoption of the amendment proposed by Mr. Herndon; which was decided in the affirmative.

Mr. Gatewood moved to amend the amendment by adding the following, viz:

"As such agent of the Fund Commissioner;" which was agreed to.

And the question then being taken on the adoption of the amendment as amended,

It was decided in the affirmative.

And the question then recurring on concurring with the House of Representatives in the adoption of the resolution as amended,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Hamlin,

The order of business was further suspended,

And the bill from the House of Representatives, entitled "An act making compensation to the persons therein named," was taken up, read the first time, and

*Ordered* to a second reading.

Mr Hamlin moved to dispense with the rule and that said bill be now read a second time, by its title; which was agreed to.

Mr. Pearson moved to amend said bill so as to make it read, and "that the messenger receive three dollars per day and three dollars for every twenty miles travel;" which was not agreed to.

Mr. Gatewood moved to refer the bill to the committee on Public Accounts and Expenditures; which was decided in the negative.

*Ordered* to a third reading.

On motion of Mr. Hacker,

The rule of the Senate was further dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bills, entitled

"An act authorizing the county commissioners of Monroe county to borrow money for certain purposes;"

"An act to regulate Foreign Insurance company agencies, established in the State of Illinois;"

"An act to organize a school district in Vermilion county, and authorizing the sale of school lands therein;" and

"An act to incorporate the Schuyler city manufacturing company;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to establish the county of Henderson," was read the second time.

Mr. Stapp moved to amend the same by adding the following as an additional section, viz:

"Sec. 11. It shall be the duty of the county commissioners court of the county of Henderson, on their first meeting on the third Monday in April next, as provided in the fifth section of this act, to proceed to levy a tax for State and county purposes, as is required by the laws in relation to the public revenue, in the same manner as though they had met on the first Monday in March, as now required, and shall also, do and perform all other things necessary and lawful to ensure the collection of the State and county revenue in said county of Henderson;" which was agreed to.

Mr. Stapp moved to amend the 9th section of said bill as follows, viz:

"And also, its proper proportion of the interest arising from the school college and seminary funds, the basis of which payment shall be made upon the late census of Warren county," which was decided in the affirmative.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Gatewood moved to suspend the order of business for the purpose of taking up the communication, some days since laid on the table, from the Governor, in relation to the appointment of Bank Directors of the Bank of Illinois; which was not agreed to.

The bill, entitled "An act in relation to the school, college and seminary funds; and Auditor's warrants," was read the second time, and,

On motion of Mr. Gatewood,

Referred to the committee on Finance.



The bill, entitled "An act in relation to practice in courts of law and equity," was read the second time, and,

On motion of Mr. Gatewood,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned until Saturday morning 10 o'clock.

### SATURDAY, DECEMBER 26, 1840.

Senate met pursuant to adjournment.

And a quorum not being present;

On motion,

The Senate adjourned.

### MONDAY, DECEMBER 28, 1840.

Senate met pursuant to adjournment.

On motion of Mr. Gatewood,

Leave of absence was granted to Mr. Wood, for the space of eight days.

On motion of Mr. Davidson,

Leave of absence was granted to Mr. Monroe, for eight days; and to Mr. Evans for the space of six days, from Saturday last.

Mr. Cullom presented the petition of sundry citizens of Livingston, McLean, Tazewell and Peoria counties, praying the location of a State road &c., and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Pearson presented the petition of sundry citizens of Will county, praying the abatement of a mill dam in said county, and,

On motion of Mr. Pearson,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Moore presented the petition of Moses Thorpe, praying for a divorce; which was read, and,

On motion of Mr. Moore,

Referred to the committee on the Judiciary.

On motion of Mr. Fithian,

*Resolved*, That the committee on Finance be requested to report to the Senate whether in the opinion of the committee it is possible in the present condition of the Finances of the State, longer to preserve the faith and credit of the State untarnished, and if so, that they report to the Senate at the earliest possible period, such plan as in the opinion of the committee will be most likely to accomplish that desirable object.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act to amend the several acts to extend the corporate powers of the town of Peoria;" which was read, and

*Ordered* to a second reading.

Mr. Davidson, on leave given, introduced a bill, entitled "An act to amend an act, entitled "An act to incorporate the town of Carmi," approved January 30, 1840; which was read, and

*Ordered* to a second reading.

Mr. Hacker, on leave given, introduced a bill, entitled "An act to incorporate the Cairo city mills;" which was read, and

*Ordered* to a second reading.

Mr. Harrison, on leave given, introduced a bill, entitled "An act, to amend 'An act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago swamp,'" approved February 19, 1839; which was read, and

*Ordered* to a second reading.

Mr. Harrison, on leave given, introduced a bill, entitled "An act authorizing Granville H. Mathews to keep a ferry across the Meredocia;" which was read, and

*Ordered* to a second reading.

Mr. Ralston moved to suspend the order of business for the purpose of taking up a bill some days since laid on the table, entitled "An act to amend the several acts in relation to State's Attorneys;" which was not agreed to.

Mr. Speaker laid before the Senate a report from S. A. Douglass, Secretary of State, in relation to the amount of work done and expenditures made on the Great Wabash river; which was read, and

On motion of Mr. Allen,

Laid on the table.

Mr. Speaker laid before the Senate a report from Wm. Walters, Public Printer, made in pursuance of a resolution of the Senate in relation to printing, binding, stationary, &c.; which was read, and,

On motion of Mr. Little,

Laid on the table.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the resolution adopted by the Senate, having for its object the revision of the laws of Illinois of a general nature, with the following amendment, viz:

Strike out all after the word "laws" in the eighth line, and insert as follows:

"To revise and digest all the laws of a general nature which shall be in force at the end of this session of the Legislature, and that they make such alterations therein as to them shall seem proper, and report the same so revised, and a specification of the alterations so made to the next General Assembly within ten days after the meeting of the same for their approval or rejection."

In the adoption of which amendment they ask the concurrence of the Senate. And he withdrew.

The engrossed bill, entitled "An act to incorporate the Western Marine and Fire Insurance Company," was read the third time;

Mr. Hamlin moved to amend the 24th section of said bill by adding the following, as a proviso, viz:

"*Provided*, The said rate of interest shall not exceed twelve per cent. per annum;" which was agreed to; and,

Said bill, as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to repeal an act entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court,'" was read the third time;

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Davidson, Feaman, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harrison, Henry, Houston, James, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Sargent, Slocumb, Snyder and Stadden—23.

Those voting in the negative, are,

Messrs. Cullom, Harris, Herndon, Hunter, Johnston, Markley, and Warren—7.

Mr. Davidson moved to amend the title by adding after the word "court," as follows:

"And also to repeal a bill allowing a premium on wolf scalps;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act to amend an act, entitled 'An act to incorporate the Western Marine and Fire Insurance Company;'"

"An act to incorporate the Philomathean Society of Mount Carmel Illinois;"

"An act to establish the county of Henderson;"

"An act to amend an act simplifying proceedings at law for the collection of debts," approved February 25, 1833;

"An act to legalize the acts of Samuel C. McClure as probate justice of the peace of Ogle county;"

"An act to amend an act, entitled 'An act to incorporate, the town of Kaskaskia,'" approved January 6, 1818; and

"An act to incorporate the Payson Academy."

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to provide for the safe keeping and disbursement of the public revenue," was read the second time;

Mr. Little moved to amend the same by adding after the word "warrant" in the last section, as follows:

"Bearing interest at the rate of six per centum per annum."

Mr. Pearson moved to amend the amendment by adding the words,

"*Provided*, That the Bank shall not receive from the State compound interest under the settlement made by the Auditor."

Mr. Davidson moved to refer said bill, together with the proposed amendments, to the committee on Finance; which was decided in the affirmative.

The bill, entitled "An act to define the bounds of Boone county," was read the second time, and,

On motion of Mr. Harrison,

Referred to the committee on Counties.

The bill, entitled "An act authorizing an additional justice of the peace and constable in the town of Florence in Pike county," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled "An act to authorize Charles Sanbourn, a minor, to execute a deed to a person therein named," was read the third time, and,

On motion of Mr. Snyder,

Laid on the table.

The bill from the House of Representatives, entitled "An act authorizing the erection of a bridge across Saline river," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to repeal an act incorporating the town of Juliet," was read the third time, and

On motion of Mr. Pearson,

Laid on the table.

On motion,

The Senate adjourned.

## TUESDAY, DECEMBER 29, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from the State House Commissioners in relation to work done upon the State House, made in pursuance of a resolution of the Senate; which was read;

Mr. Ralston moved to refer the same to the committee on Public Accounts and Expenditures.

Mr. Herndon moved to amend the motion, so as to make it a motion to refer to the said committee with the following instructions, viz:

"With instructions to report a bill immediately providing for the payment of debts due by the State for work done upon the State House."

Mr. Markley moved to amend the amendment by adding as follows:

"As soon as said committee shall find the amounts so claimed to be justly due;" which was not agreed to.

And the question then being taken upon the amendment proposed by Mr. Herndon.

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Kilpatrick, Sargent and Stapp—12.

Those voting in the negative, are,

Messrs. Allen, Feaman, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden and Warren—20.

And the question then recurring on the motion to refer to the committee on Public Accounts and Expenditures,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Feaman, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Sargent, Slocumb, Snyder, Stadden, Stapp and Warren—28.

Mr. Speaker laid before the Senate a report from the President of the State Bank of Illinois in relation to the removal of the Branch at Chicago; which was read, and,

On motion of Mr. Allen,

Laid on the table.

Mr. Pearson presented the petition of sundry inhabitants of the State of Illinois of Foreign birth, asking that their constitutional rights may be secured to them; which was read, and,

On motion of Mr. Pearson,

Referred to the committee on the Judiciary.

Mr. Moore, from the committee on Counties, to which was referred the bill, entitled "An act to define the bounds of Boone county," reported the same back without amendment and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion,

The Senate adjourned.

### WEDNESDAY, DECEMBER 30, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from S. A. Douglass, Secretary of State, containing a tabular statement of the census of the State of Illinois as far as received; which was read, and,

On motion of Mr. Moore,

Laid on the table, and

So much of said document as relates to the aggregate of the population of each county,

*Ordered* to be printed for the use of the Senate.

Mr. Speaker laid before the Senate a report from the Secretary of State in relation to the January interest, and containing a letter from Samuel B. Ruggles, &c.; which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

Mr. Gatewood, on leave given, offered for adoption the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the Fund Commissioner be, and he is hereby prohibited from selling or hypothecating State bonds for any purpose whatsoever, except to pay the interest that will become due from internal improvement bonds, already legally sold, and for paying the expenses and freight on railroad iron, and all other expenses attending the execution of the duties of his office as Fund Commissioner, any law to the contrary notwithstanding; which was read and adopted.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Henry presented the petition of sundry citizens of Morgan county, praying that Wm. H. Delph may be reinstated as superintendent and engineer on the Northern Cross railroad; which was read, and,

On motion of Mr. Henry,

Referred to the committee on Internal Improvements,

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred the bill, entitled "An act to define the duty of State House Commissioner," reported the same back with an amendment;

Mr. Herndon moved to fill the blank in the fifth section of said amendment by inserting \$300.

Mr. Pearson moved to insert \$500; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Hacker, and Pearson.—2.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Fithian, Gaston, Gibbs, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Ralston, Ross, Sargent, Slocumb, Snyder, Stapp and Warren—28.

The question then being taken on inserting \$300;

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Feaman, Fithian, Gaston, Gibbs, Hamlin, Harrison, Henry, Herndon, Hunter, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Sargent, Slocumb and Stapp—25.

Those voting in the negative, are,

Messrs. Allen, Hacker, Harris, Houston, James, Snyder and Warren—7.

Mr. Herndon moved to further amend the fifth section by striking out the following, viz:

"and for superintending the erection and completion of said State House when the same shall be directed to be completed, he shall be allowed an additional compensation not exceeding two dollars per day for the time actually employed, to be certified by the Auditor and Treasurer;" which was decided in the affirmative.

Mr. Henry moved to lay said bill, together with the proposed amendment, on the table; which was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Baker, Cullom, Davidson, Fithian, Harrison, Henry, James, Killpatrick, Little, Ross, Sargent, Snyder, Stapp and Warren—14.

Those voting in the negative, are,  
Messrs. Allen, Churchill, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harris, Herndon, Houston, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston and Slocumb—19.

Mr. Stadden from the committee on Canals and Canal Lands, to which was referred the petition of sundry citizens of Ottawa, in relation to the Public square in said town, reported a bill, entitled "An act in relation to the public square in the original town of Ottawa;" which was read, and

*Ordered* to a second reading.

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved*, That the President of the Bank of Illinois be, and he is hereby requested to state to the Senate whether said Bank, on the part of the private stockholders, will consent that the State shall subscribe an additional amount of stock, say from two to five millions of dollars, with an increase of directors on the part of the State; and also an increase of Branches.

Mr. Herndon moved to amend the same by inserting after the word "State" in the last line, the following, viz:

"In proportion to the amount of stock;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gaston, Gibbs, Harrison, Henry, Herndon, Houston, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Sargent and Snyder—23.

Those voting in the negative, are,

Messrs. Feaman, Hacker, Hamlin, Harris, Hunter, Little, Slocumb, Stadden, Stapp and Warren—10.

Mr. Herndon moved further to amend by adding the following, viz:

"That he will also state, if within his power, upon what terms the private stockholders will dispose of their stock to the State;" which amendment was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Feaman, Herndon, Houston, James, Markley and Pearson—7.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harrison, Henry, Hunter, Johnston, Killpatrick, Little, Moore, Nunnally, Parrish, Ralston, Sargent, Slocumb, Snyder, Stadden, Stapp and Warren—26.

The question was then taken upon the adoption of the resolution, and decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Feaman, Fithian, Gibbs, Herndon, Houston, Hunter, Johnston, Markley, Parrish and Pearson—12.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Gaston, Hacker, Hamlin, Harris, Harrison, Henry, James, Killpatrick, Little, Moore, Nunnally, Ralston, Sargent, Slocumb, Snyder, Stadden and Warren—20.

On motion of Mr. Moore,

*Resolved*, That the committee on School Lands and Education, be requested to inquire into the expediency of revising, and amending the school laws of this State and printing the same in pamphlet form, for the use of school commissioners, and treasurers of townships, and that they report by bill or otherwise.

Mr. Hamlin offered for adoption the following resolutions, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the ratio for apportioning the representation of this State according to the late census shall be ——— thousand inhabitants for each Senator, and ——— thousand for each representative.

*Resolved*, That the joint select committee appointed to prepare and report a bill apportioning the representation to the several counties, adopt this number as a basis upon which to predicate their bill; which was,

On motion of Mr. Little,

Referred to the committee of the Whole Senate and made the special order of the day for to-morrow.

Mr. Speaker laid before the Senate a communication from Stephen A. Douglass, Secretary of State, together with the fifth annual report of the Commissioners of the Illinois and Michigan canal; which was read, and,

On motion of Mr. Herndon,

Laid on the table, and five hundred copies

*Ordered* to be printed for the use of the Senate.

Mr. Nunnally moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Education be directed to inquire into the expediency of distributing the school fund among the different counties of this State in proportion to the number of inhabitants in each, under twenty years of age, as recently ascertained by the census, to be apportioned every five years with proper guards and restrictions, and that they report by bill or otherwise;

Mr. Allen moved the reference of said resolution to the committee on Education;

Mr. Ralston moved to lay the same on the table; which was agreed to.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

A bill for "An act to incorporate the town of Macomb."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill for "An act to amend an act to incorporate the Hamilton primary school,"

And he withdrew.

Mr. Herndon, on leave given, introduced a bill for "An act making an appropriation for work done upon the State House and materials furnished;" which was read the first time, and

*Ordered* to a second reading.

The engrossed bill for "An act authorizing an additional justice of the peace and constable in the town of Florence in Pike county," was read the third time, and passed.



*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The engrossed bill, entitled "An act to define the bounds of Boone county," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act for the relief of A. P. Field, late Secretary of State," was read the second time, and,

On motion of Mr. Herndon,

Referred to the committee on Finance.

The bill, entitled "An act to amend the several acts to extend the corporate powers of the town of Peoria," was read the second time, and,

On motion of Mr. Hamlin,

Referred to the committee on Internal Improvements.

The bill, entitled "An act to incorporate the Cairo city mills," was read the second time, and,

On motion of Mr. Little,

Referred to the committee on Incorporations.

The bill, entitled "An act to authorize Granville H. Matthews to keep a ferry across the Meredocia;" which was read the second time, and,

On motion of Mr. Harrison,

Referred to the committee on the Judiciary.

The bills, entitled

"An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30, 1849; and

"An act to amend 'An act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago swamp,'" approved February 19, 1839,

Were severally read the second time, and

*Ordered* to be engrossed for a third reading.

The bills from the House of Representatives, entitled

"An act declaring the edition of State laws published by Stephen F. Gale, evidence in courts of justice;"

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a road therein named;"

"An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county;"

"An act to amend the law in relation to chancery practice;" and

"An act to incorporate the town of McComb."

Were severally read the first time, and,

*Ordered* to a second reading.

The resolution contained in the message from the House of Representatives, having for its object the appointment of a joint select committee to prepare and report a memorial to Congress, praying for an alteration of the land laws, was read, and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

The message containing the amendments of the House of Representatives to the resolution of the Senate in relation to the revisal of all laws of a general nature, &c., was read, and,

On motion of Mr. Little,

Laid on the table.

The resolution contained in the message from the House of Representatives in relation to amending the Constitution of the State of Illinois, was read, and,

On motion of Mr. Stadden,

Laid on the table,

The bills contained in the message from the House of Representatives entitled

"An act making school commissioners elective by the people;"

"An act to incorporate the Benton Academy, in Franklin county;" and

"An act to legalize the assessment of property in the county of Peoria and other counties, for the year 1840," as amended by them, was taken up, and the several amendments to the said bills, read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill contained in the message from the House of Representatives, entitled "An act to charter a Female Academy in Marion county," as amended by them, was taken up;

On the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Stadden,

The report from the Governor, in relation to the late sale of State bonds to the agent of the canal contractors, some days since laid on the table, was taken up, and referred to the committee on Canals and Canal Lands.

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 31, 1840.

Senate met pursuant to adjournment.

Mr. Harris moved to suspend the order of business; which was agreed to.

Whereupon,

Mr. Harris moved the adoption of the following resolution, viz:

*Resolved by the General Assembly,* That the Auditor of Public Accounts be, and he is hereby directed not to issue his warrant on the Treasury in pursuance of "An act making an appropriation for a library for the use of the Legislature and Supreme Court," approved February 22, 1839, until the end of the present session of the General Assembly; which was read and adopted.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Harris presented the petition of John Thompson, for "An act to authorize him to make a title to a certain tract of land therein named," and,

On motion of Mr. Harris,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Pearson presented the petition of James McKee, praying for relief; which was read, and,

On motion of Mr. Pearson,

Referred to a select committee of five.

*Ordered,* That Messrs. Pearson, Stadden, Moore, Harrison and Hamlin be that committee.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act for the location of a State road in the counties of Hamilton, Franklin and Perry."

In the passage of which they ask the concurrence of the Senate.

Also, they have concurred with the Senate in the adoption of a resolution, as amended by the House of Representatives, having for its object the apportionment of representation in the Legislature of this State, by striking out "two on the part of the Senate and three on the part of the House of Representatives," and inserting "one on the part of the Senate and two on the part of the House of Representatives."

In which they ask the concurrence of the Senate.

Also that they have concurred with the Senate in the adoption of a resolution in relation to the Independent Treasury and United States Bank. And he withdrew.

Mr. Henry moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the State House Commissioners be directed to suspend all operations on the State House that is in their power, and that they be further re-

queste, to afford all possible means in their power to make a full and fair settlement with laborers and others who may have demands outstanding for work done on the State House.

Mr. Stapp moved to amend the same by striking out all after the word "power" in the fifth line; which was not agreed to.

And the vote then being taken on the adoption of the resolution, It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hacker, Hamlin, Harrison, Henry, Houston, Hunter, Johnston, Killpatrick, Ross, Sargent, and Stapp—17.

Those voting in the negative, are,

Messrs. Allen, Feaman, Gaston, Harris, Herndon, James, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden and Warren—18.

On motion of Mr. Sargent,

*Resolved*, That the Treasurer of the State inform the Senate what number of agents he has appointed to take charge of the property and material belonging to the State on the different railroad lines, their names, duties and compensation.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled, bills of the following titles viz:

"An act for the appointment of a notary public in the city of Nauvoo;"

"An act to vacate the town plat of the town of Livingston;"

"An act to legalize the assessment of taxable property in the northern division of Jefferson county for the year 1840;"

"An act to amend an act, entitled 'An act to incorporate the city of Quincy,' approved February 3, 1840, and

"An act to amend an act to incorporate the Hamilton primary school;"

And also that said bills have this day been laid before the Council of Revision.

Mr. Killpatrick, on leave given, introduced a bill, entitled "An act to incorporate the trustees of the Winchester male and female common and preparatory schools;" which was read, and

*Ordered* to a second reading.

Mr. Stadden moved that the Senate now adjourn until Saturday morning, 10 o'clock; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Feaman, Hacker, Harrison, Houston, Hunter, Johnston, Parrish, Pearson, Richardson, Slocumb, Snyder, Stadden, Stapp and Warren—16.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Gaston, Gibbs, Hamlin, Herndon, James, Killpatrick, Markley, Moore, Nunnally, Ross and Sargent—16.

And there being a tie, Mr. Speaker voted in the affirmative.

SATURDAY, JANUARY 2, 1841.

Senate met pursuant to adjournment.

On motion of Mr. Baker,

Leave of absence was granted for this day to Mr. Gatewood.

Mr. Speaker laid before the Senate a report from Mr. John D. Whiteside, Treasurer of the State of Illinois, in pursuance of a resolution of the Senate in relation to the appointment of agents of the internal improvements of this State; which was read, and,

On motion of Mr. Hamlin,

Laid on the table.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the adoption of a joint resolution, having for its object directions to the Auditor not to issue warrants for or on account of the appropriation for a library. And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to legalize the assessment of property in the county of Peoria, and other counties, for the year 1840;"

"An act to incorporate the Benton Academy in Franklin county;" and

"An act making school commissioners elective by the people.

And also, that said bills have this day been laid before the Council of Revision.

The engrossed bills, entitled

"An act. to amend 'An act to authorize Henry W. Cleveland to build a bridge across the Winnebago swamp,'" approved February 19, 1839; and

"An act to amend an act, entitled An act to incorporate the town of Carmi," approved January 30, 1840;

Were severally read the second time, and passed.

*Ordered,* That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act in relation to the public square in the original town of Ottawa," was read the second time, and,

On motion of Mr. Stadden,

Referred to the committee on the Judiciary.

The bill, entitled "An act making an appropriation for work done upon the State House and materials furnished," was read the second time.

Mr. Allen moved to lay the same on the table; which was not agreed to.

Mr. Hacker moved to amend said bill by striking out of the 1st. section the words "and materials furnished;" which was decided in the affirmative.

Mr. Moore moved to amend by striking out of the 1st. section of said bill the words "the sum of" and inserting "any sum not exceeding," in lieu thereof; which was agreed to.

Mr. Hacker moved further to amend by striking out the words "or materials furnished," whenever they occur in the second and third sections of said bill; which was decided in the affirmative.

Mr. Snyder moved to amend the same by adding the following as an additional section, viz:

"SEC. 4. That from and after the passage of this act the present State House Commissioners shall be no longer authorized to make any contract respecting the State House or any thing respecting the same, and the pay to which they may be entitled shall no longer accrue or be paid them until the further action of the Legislature;" which was agreed to.

Mr. Little moved to insert in the first, second and third sections of said bill, after the words "State House" in each section, the words "and furniture furnished;" which was agreed to, and

Said bill, as amended,

Ordered to be engrossed for a third reading.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz:

"An act to change the time of holding courts in the 2d Judicial Circuit."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

The bill entitled "An act to incorporate the trustees of the Winchester male and female common and preparatory schools," was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Incorporations.

Mr. Moore, on leave given, introduced a bill, entitled "An act in relation to common schools;" which was read, and

Ordered to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, and said bill read the second time by its title,

Laid on the table, and

Ordered to be printed for the use of the Senate.

Mr. Speaker laid before the Senate a report from the Governor, with accompanying documents in relation to the failure of Messrs. Wright and company; which was read, and,

On motion of Mr. Ross,

Laid on the table.

The bills from the House of Representatives, entitled

"An act declaring the edition of State Laws, published by Stephen F. Gale, evidence in courts of Justice;" and

"An act to amend the law in relation to chancery practice."

Were severally read the second time, and referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled

"An act in relation to a State road therein named;" and

"An act to vacate a part of the town plat of the town of Griggsville;"

Were severally read the second time, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act to locate and establish a State road from Peoria, in Peoria county to Fairview, in Fulton county," was read the second time, and,

On motion of Mr. Hamlin,

Referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to incorporate the town of McComb," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act for the location of a State road in the counties of Hamilton, Franklin and Perry," was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act to change the time of holding courts in the second Judicial Circuit," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule of the Senate was dispensed with, said bill was read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The resolution contained in the message of the House of Representatives, December 28, in relation to the apportionment of the General Assembly, was read, and,

On motion of Mr. Moore,

Laid on the table.

On motion of Mr. Pearson,

The message from the House of Representatives, containing the amendments to a resolution of the Senate in relation to the revisal of the laws, some days since laid on the table, was taken up,

And on the question—"Will the Senate concur with the House of Representatives in their amendments to said resolution?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

MONDAY, JANUARY 4, 1841.

Senate met pursuant to adjournment.

Mr. Killpatrick moved to suspend the order of business for the purpose of taking up a bill, entitled "An act making an appropriation for work done upon the State House and materials furnished;" which was not agreed to.

Mr. Cullom presented the remonstrance from sundry citizens of Tazewell county against any division of the same, and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Johnston presented the petition of the county commissioners of Jefferson county asking the passage of a law to permit them to borrow a sum of money sufficient to pay the balance due for the building of a court house in said county, and,

On motion of Mr. Johnston,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act to amend an act, entitled 'An act to regulate tavern and grocery licenses.'"

In the passage of which they ask the concurrence of the Senate.

They have also adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein.* That the message of his Excellency, the Governor, just received communicating to this House the report of Gen. W. F. Thornton, relating to his sale of canal bonds, together with the letters of Messrs. Magniac, Smith & Co., of London, and Messrs. Nevins, Townsend & Co. of New York, to said Thornton, be referred to a joint select committee of both Houses to consist of five members on the part of the House and three on the part of the Senate, and that said committee examine into the whole transaction, and report as soon as practicable to both Houses, whether the negotiation, made by the said W. F. Thornton, was made in conformity with law, and what further proceedings, if any, are necessary relating to the security of the State bonds sold and unsold both in Europe and America.

*Ordered,* That Messrs. Henderson, McClelland, Brown of Vermilion, Kitchell and McLean, be the committee on the part of the House.

In the adoption of which resolution they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred the reports of the State House Commissioners, &c. made a report,

Mr. Henry moved to lay the same on the table, without reading; which was not agreed to.

And the report being read, was,



On motion of Mr. Stapp,

Laid upon the table.

Mr. Killpatrick moved to suspend the order of business, for the purpose of taking up a bill, entitled "An act making an appropriation for work done upon the State House and materials furnished;" which was not agreed to.

Mr. Johnston, from the committee on the Judiciary, to which was referred the petition of the county commissioners of Ogle county, asking leave to levy an additional tax, reported a bill entitled "An act to authorize the county commissioners' court of Ogle county to levy and collect a tax; which was read the first time, and

*Ordered* to a second reading.

Mr. Gatewood, from the committee on Finance, to which was referred the bill, entitled "An act to provide for the safe keeping and disbursement of the public revenue," reported the same back with an amendment, which was read and concurred in;

And said bill,

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Gatewood, from the same committee, to which was referred a resolution in relation to the granting of pre-emptions to actual settlers on lands bought by the State under the internal improvement laws, reported a bill, entitled "An act to provide for settlers on lands purchased by the State;" which was read, and,

*Ordered* to a second reading.

Mr. Sargent moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Elections be instructed to inquire into the expediency of changing the present plan of voting *vive voce*, to that of voting by ballot.

Mr. Gibbs moved that the further consideration of the same be indefinitely postponed; which was not agreed to;

And said resolution was adopted.

Mr. Henry moved the adoption of the following preamble and resolution, viz:

*Whereas*, Wm. H. Delph has been recently removed from the office of superintendant and engineer; *And whereas*, Cornelius Ludman and Mr. Murray have been appointed agents on the railroad between Jacksonville and Meredosia in Morgan county; *And whereas*, neither of said agents are capable of managing, repairing or running the locomotive, and will be under the necessity of employing an engineer at considerable expense. Therefore,

*Resolved*, That Wm. H. Delph be reinstated as superintendant and engineer on said railroad.

Mr. Davidson moved to lay the same on the table; which was decided in the affirmative.

Mr. Gatewood moved the adoption of the following resolution, viz:

*Resolved by the Senate and House of Representatives*, That the two Houses of the General Assembly will meet in the Hall of the House of Representatives at four o'clock, P. M., the 4th of January, 1841, for the purpose of electing one Fund Commissioner.

Mr. Sayder moved to amend by striking out "fourth," and insert "ninth" in lieu thereof.

Mr. Herndon moved to amend the amendment by inserting the word "sixteenth" in lieu of "ninth" as proposed; which was not agreed to.

And the question then being taken on the amendment proposed by Mr. Snyder,

It was decided in the affirmative,

And the resolution, as amended, was adopted.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Allen,

*Resolved*, That the Secretary of the Senate be not required to copy the report this day made to the Senate by the committee on Public Accounts and Expenditures, but that the same be printed in the volume of reports, and distributed with the Journals of the Senate.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Gatewood,

*Resolved*, That John D. Whiteside, agent of the State, to take charge of the Books, papers and property of the State lately in the possession of the Board of Public Works, be required to inform the Senate whether he has performed that duty, and to what extent; and also, that he be required to report whether the check books of substituted drafts or scrip, were deposited with him, or whether any books or registry were so deposited with him, showing the amount and number of substituted drafts of scrip which have been issued by the board or any member thereof.

Mr. Pearson moved the adoption of the following resolution, viz:

*Resolved*, That 5,000 copies of the report of the committee on Public Accounts and Expenditures, be printed for the use of the Senate.

On motion of Mr. Little,

Said resolution was laid on the table.

Mr. Hamlin introduced a bill, entitled "An act to amend the several laws to provide for the distribution of the interest on the school, college and seminary fund;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read a second time, and

*Ordered* to be engrossed and read a third time.

Mr. Fithian introduced a bill, entitled "An act to insure the payment of a bounty on wolf scalps;" which was read, and

*Ordered* to a second reading.

Mr. Pearson introduced a bill, entitled "An act to enable Harriet Bradford, administratrix, to settle the estate of William Bradford, deceased;" which was read, and

*Ordered* to a second reading.

Mr. Ralston introduced a bill, entitled "An act for the relief of the sheriff of Schuyler county;" which was read, and,

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, and said bill referred to the committee on the Judiciary.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the Whole, for the purpose of taking into consideration the resolution in relation to the apportionment of the representation of this State according to the late census, Mr. Ross in the chair, and after some time spent therein, Mr. Speaker resumed the chair; and,

Mr. Ross reported, that the committee of the Whole Senate had, according to order, had said resolution under consideration and have made sundry amendments thereto, and ask their concurrence therein;

And on the question—"Will the Senate concur with the committee in their amendments to said resolution?"

It was decided in the affirmative.

And the resolution, as amended, was adopted.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Baker,

The order of business was suspended,

And the message from the House of Representatives containing their amendments to a resolution of the Senate having for its object the appointment of a joint select committee to report a bill for the apportionment of Representation in this State, some days since laid on the table, was taken up;

On the question—"Will the Senate concur with the House of Representatives in their amendments to said resolution?"

It was decided in the affirmative.

*Ordered*, That Messrs. Baker, Wood, Davidson, Hacker, Ross, Pearson, Richardson, Harrison and Stadden, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed to inform the Senate that the House of Representatives have refused to concur with them in the passage of a bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,'" approved February 3, 1827.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 5, 1841.

Senate met pursuant to adjournment.

Mr. Davidson presented the petition of sundry citizens of White county, in relation to the mills owned by the State upon the Little Wabash river, and,

On motion of Mr. Davidson,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal and to provide by sale of canal lands and water privileges for the payment of interest on the canal debt," reported the same back with an amendment;

Mr. Gatewood moved to lay said bill, and proposed amendment, on the table, and that the amendment be printed for the use of the Senate; which was decided in the affirmative.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill from the House of Representatives, entitled "An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county," reported the same back without amendment and recommended the rejection of the same;

And on the question—"Shall said bill be read a third time?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Peck, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act to provide for reviewing certain State roads;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act extending the duties of notaries public;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act to incorporate the Pisgah Academy;" and

"An act to change the name of a person therein named."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Sargent introduced a bill, entitled "An act to amend an act, entitled "An act to incorporate the town of Jacksonville, and for other purposes;" which was read, and,

*Ordered* to a second reading.

Mr. Gatewood introduced a bill, entitled "An act to provide for the printing of justices laws in a separate volume;" which was read, and

*Ordered* to a second reading.

Mr. Pearson introduced a bill, entitled "An act fixing the manner of Congressional elections;" which was read, and

*Ordered* to a second reading.

The engrossed bills, entitled

"An act to amend the several laws to provide for the distribution of the interest on the school, college and seminary fund;" and

"An act to provide for the safe keeping and disbursement of the public revenue;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act making an appropriation for work done upon the State House and materials furnished," was read the third time.

Mr. Gatewood moved to amend said bill by adding the following proviso, viz:

"And that the Auditor of Public accounts be authorized and required to put in immediate train of collection the sum of sixteen thousand six hundred and sixty-six dollars and sixty-six cents due by bond from the citizens of Springfield to the State."

Mr. Baker moved to amend the amendment by adding the following, viz:

"And that the Auditor be directed to institute immediate proceedings in favor of the State against any commissioner, or other officer, who may not have paid over money appearing to be in his hands arising from saline lands from 1826, to the present time, and all other debts to the State;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Harris, Herndon, Houston, Little, Markley, Pearson, Ralston, Richardson, Ross, Sargent, Snyder, Warren and Witt—21.

Those voting in the negative, are,

Messrs. Evans, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Henry, Hunter, James, Johnston, Killpatrick, Moore, Nunnally, Parrish, Slocumb, Stadden and Stapp—17.

And the question then being taken on the adoption of the amendment as amended;

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Slocumb, Snyder, Stapp, Warren and Witt—30.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Herndon, Killpatrick, Little, Ross and Stadden—8.

And the bill, as amended, was passed in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullo'n, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Warren, and Witt—36.

Messrs. Evans and Stapp, voting in the negative—2.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act to incorporate the town of Galesburg, in Knox county."

In which they ask the concurrence of the Senate.

And he withdrew.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Herndon moved to reconsider the vote taken this morning on the passage of a bill entitled "An act to provide for the safe keeping and disbursement of the public revenue;" which was not agreed to.

On motion of Mr. Snyder,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration a bill, entitled "An act re-organizing the Judiciary of the State of Illinois," Mr. Harrison in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Harrison reported, that the committee of the Whole had, according to order, had under consideration said bill, and having made some progress therein, have directed me to make report thereof, and ask leave to sit again; which was agreed to.

On motion of Mr. Allen,

The bill some days since laid on the table, entitled "An act in relation to common schools," was taken up, and referred to the committee on School Lands and Education.

On motion,

The Senate adjourned.

WEDNESDAY, JANUARY 6, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from John D. White-  
side, Treasurer and agent of Illinois, in answer to a resolution of the  
Senate in relation to substituted drafts &c.; which was read, and,

On motion of Mr. Witt,

Laid on the table.

Mr. Houston presented the petition of sundry citizens of Jasper, Clark,  
and other counties, praying for a State road therein named, and,

On motion of Mr. Houston,

The reading of the same was dispensed with, and referred to the com-  
mittee on Public Roads.

Mr. Johnston, from the committee on the Judiciary, to which was re-  
ferred the petition of the county commissioners of Jefferson county to  
permit them to borrow money, reported a bill, entitled "An act to au-  
thorize the county commissioners of Jefferson county to borrow money;"  
which was read, and

Ordered to a second reading.

A message from the Governor, by Mr. Ames:

Mr. Speaker: I am directed by the Governor to lay before the Senate  
communication in writing. And he withdrew.

Mr. Ralston, from the committee on the Judiciary, to which was refer-  
red a bill, entitled "An act for the relief of the sheriff of Schuyler coun-  
ty," reported the same back without amendment and recommended its  
passage.

Ordered to be engrossed and read a third time.

Mr. Little, from the same committee, to which was referred the petition  
of John Thompson, praying for the passage of a law authorizing him to  
make a title to a tract of land therein named, made an adverse report  
thereon in writing, and asked to be discharged from the further consider-  
ation of the subject; which was agreed to, and said petition,

On motion of Mr. Allen,

Was laid on the table.

A message from the House of Representatives, by Mr. Davis, their As-  
sistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform  
the Senate, that they have passed a bill of the following title, viz:

"An act to incorporate the Union manufacturing company."

In the passage of which they ask the concurrence of the Senate.

They have also adopted the following resolution:

Resolved, That a joint select committee of three on the part of the  
House of Representatives and two on the part of the Senate, be appoint-  
ed to draft a memorial to Congress praying the passage of a law authoriz-  
ing the inhabitants of townships of land appropriated to the use of schools  
and seminary purposes, when the same or any of the subdivisions thereof

shall be wholly useless or greatly lessened in value by reason of inundation or other causes, to locate other lands belonging to the United States, and not otherwise appropriated, in lieu thereof.

*Ordered*, That Messrs. Minshall, West and Reynolds, be the committee on the part of the House.

In the adoption of which resolution they ask the concurrence of the Senate.

They have also adopted the following preamble and resolution, in which they ask the concurrence of the Senate.

*Whereas*, the commissioners' court of Cass county has neglected to appoint any person to take the census of said county for the State. Therefore,

*Resolved by the House of Representatives, the Senate concurring herein*, That the census taken for the United States in said county of Cass, be taken and considered as the census for said county. And he withdrew.

Mr. Johnston, from the committee on the Judiciary, to which was referred a resolution from the House of Representatives, having for its object the appointment of a joint select committee to report a memorial to Congress asking for an alteration in the land laws, reported the same back, without amendment, and recommended its adoption;

And on the question—"Will the Senate concur with the House of Representatives in the adoption of the resolution?"

It was decided in the affirmative.

*Ordered*, That Messrs. Snyder and Little be the committee on the part of the Senate and that the Secretary inform the House of Representatives thereof.

Mr. Snyder, from the same committee, to which was referred the petition of 145 citizens of Jersey county praying for the repeal of the law regulating marriages, reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Allen,

Laid on the table.

Mr. Snyder, from the same committee, to which was referred the bill from the House of Representatives, entitled "A bill to amend the law in relation to chancery practice," reported the same back without amendment and recommended its passage.

Mr. Pearson moved to lay the same on the table; which was not agreed to.

Mr. Pearson moved to recommit said bill to the committee on the Judiciary; which was decided in the affirmative.

Mr. Snyder, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act to provide for the election of probate justices of the peace," approved March 4, 1837, reported the same back with an amendment.

Mr. Gatewood moved to recommit said bill to said committee with the following instructions, viz:

"To report a substitute for the bill repealing the present probate justice of the peace law, and substituting some other constitutional tribunal;" which was decided in the affirmative.

Mr. Snyder, from the same committee, to which was referred the petition of sundry citizens of Will county praying the abatement of a mill



dam in said county, reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Little,

Said petition was laid on the table.

Mr. Little, from the same committee, to which was referred the petition of Thomas Drum, guardian of the children of N. Bates, deceased, reported the same back and asked to be discharged from the further consideration of the same, and the accompanying documents.

On motion of Mr. Baker,

Laid on the table.

Mr. Little, from the same committee, to which was referred a bill, entitled "An act for the relief of certain securities therein named," reported the same back without amendment and recommended its rejection; which was not agreed to, and said bill was,

*Ordered* to be engrossed for a third reading.

On motion of Mr. Moore,

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives be requested to use their utmost exertions to procure the passage of a law providing for the redemption of all sums of Continental paper, which may at present be in the hands of revolutionary soldiers or their widows or heirs, and which was received from Government for services rendered during the war of the revolution.

*Resolved*, That his Excellency, the Governor, transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Allen,

*Resolved*, That all reports made in writing, including the report of this day, either from a standing or select committee be not entered by the Secretary upon the Journal of the Senate, but that the same be printed in the volume of Reports and circulated with the Journals.

On motion of Mr Herndon,

*Resolved*, That John D. Whit side, railroad agent, report to the Senate as soon as possible the amount already expended upon that part of the Northern Cross railroad as lies between Jacksonville and Springfield; and also, report as near as possible the amount which it will take to complete the same.

On motion of Mr. Gatewood,

*Resolved*, That the Attorney General of the State of Illinois take such measures to obtain from the late Commissioners of the Board of Public Works, the check books of substituted drafts or scrip issued by them in their character of Commissioners; and also, the books of registry of substituted drafts, as may be authorized by law, as speedily as the course of law will permit.

On motion,

The Senate adjourned.

THURSDAY, JANUARY 7, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from the Governor, containing a letter from Sam. Allinson, in relation to the failure of Messrs. Wright & Co.; which was read, and,

On motion of Mr. Gatewood,

Referred to the committee on Internal Improvements,

Mr. Baker presented a petition without signatures; which was read, and,

On motion of Mr. Baker,

Referred to the committee on the Judiciary.

Mr. Stadden presented the petition of Phoebe Little, asking the passage of a law vacating a part of the plat of Lowell, in La Salle county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Davidson, from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the Cairo city mills," reported the same back with sundry amendments thereto; which were severally read and concurred in, and said bill,

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Davidson, from the same committee, to which was referred the bill, entitled "An act to incorporate the trustees of the Winchester male and female common and preparatory schools," reported the same back with an amendment; which was concurred in, and said bill,

*Ordered* to be engrossed, as amended, and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz:

"An act for the benefit of the persons therein named."

In the passage of which they ask the concurrence of the Senate.

Also, they have concurred with the Senate in the passage of a bill for "An act to amend the several laws to provide for the distribution of the interest on the school, college and seminary fund.

Also, the House of Representatives have concurred with the Senate in their amendments to a resolution passed by the House of Representatives on the subject of the powers of the Fund Commissioner.

The following gentlemen are ordered as the committee on the part of the House on the joint select committee to fix the apportionment of representation in the legislature of this State, viz:

Messrs. McClernand, Peck, Hardin, Dougherty, Bissell, Olds, Henderson, Dodge, Drummond, Courtright, Gridley, Thornton, Wilson, Bussy, White, Hankins, Ross and Charles. And he withdrew.

Mr. Pearson, from the committee on the Judiciary, to which was referred "An act to limit the tenure of public administrators, notaries public and

masters in chancery," reported the same back without amendment and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Killpatrick,

*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of selling out all or any part of the railroads contemplated in the system of internal improvements in the State of Illinois for a limited time, or otherwise, to private individuals or incorporated companies.

Mr. Ross introduced a bill, entitled "An act to authorize the county commissioners of Pike county to execute a certain conveyance;" which was read, and

*Ordered* to a second reading.

Mr. Baker introduced a bill, entitled "An act to incorporate the town of Petersburg," and,

On motion of Mr. Baker,

The reading of the same was dispensed with. Said bill read the first time by its title, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The communication from the Governor, some days since laid on the table containing the appointment of Bank Directors of the Bank of Illinois, was taken up.

Mr. Gatewood moved that the Senate do not now advise and consent to the nomination of Messrs. John Limerick and James Darah, as said Bank Directors; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Harris, Henry, Herndon, Houston, Hunter, Johnston, Killpatrick, Little, Monroe, Moore, Parrish, Pearson, Alston, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Warren, Witt and Wood—33.

Those voting in the negative, are,

Messrs. Evans, Gaston, James, Markley and Snyder—5.

Mr. Richardson moved to reconsider the vote just taken in relation to Messrs. Limerick and Darah; which was agreed to.

Whereupon,

Mr. Gatewood withdrew his motion in relation thereto.

Mr. Gatewood moved that the Senate do now advise and consent to the nominations of all of the proposed Directors except Messrs. John Limerick and James Darah.

Mr. Hacker called for a division of the question;

And the question being first taken on the nominations of Messrs. John Limerick, John Lane and George Leviston, and that the Senate do now advise and consent to said nominations;

It was decided in the affirmative.

Mr. Hacker moved that the further consideration of said communication be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gibbs, Hacker, Hamlin, Henry, Hunter, Johnston, Killpatrick, Markley, Monroe, Par-

rish, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Warren and Witt—23.

Those voting in the negative, are,

Messrs. Baker, Evans, Fearnan, Gaston, Gatewood, Harris, Herndon, Houston, James, Moore, Nunnally, Pearson, Ralston, Snyder and Wood—15.

A message from the Governor by Mr. John Carlin:

*Mr. Speaker:* I am directed to lay before the Senate a communication in writing. And he withdrew.

On motion of Mr. Davidson,

*Resolved,* That in the opinion of the Senate, that the Directors of the Bank of Illinois and the State Bank of Illinois ought not to be appointed exclusively from the vicinity of said Bank, and that the interests of the people and the Banks require a distribution of the Directory from the adjoining counties.

Mr. Speaker laid before the Senate a communication from the Governor just received, containing a letter from A. H. Bangs, Esq., in relation to certificates of deposit in the Farmers and Mechanics Bank of Onondaga which was read, and,

On motion of Mr. Davidson,

Referred to the committee on Finance.

On motion,

The Senate adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled, a bill entitled "An act to amend the several laws to provide for the distribution of the interest on the school, college and seminary fund."

And also that they have this day laid the same before the Council of Revision.

On motion of Mr. Snyder,

The order of business was suspended, and,

On the further motion of Mr. Snyder,

The Senate again resolved itself into a committee of the Whole for the purpose of taking into consideration the bill, entitled "An act re-organizing the Judiciary of the State of Illinois," Mr. Ross in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Ross reported, that the committee of the whole Senate had, according to order, had under consideration said bill, and had directed him to report the same back to the Senate without amendment.

And the question then recurring on ordering said bill to be engrossed for a third reading.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 8, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of John D. Whiteside, Treasurer and ex-officio agent of Illinois, made in pursuance of a resolution of the Senate in relation to the Northern Cross railroad; which was read.

Mr. Herndon moved to lay the same on the table, and that said report be printed for the use of the Senate; which was not agreed to.

Mr. Hamlin moved to refer the same to the committee on Internal Improvements; which was decided in the affirmative.

Mr. Little, from the committee on the Judiciary, to which was referred a bill entitled "An act to authorize Granville H. Mathews to keep a ferry across the Meredocia," made an adverse report thereon in writing and recommended the rejection of said bill; which report was concurred in, and,

On motion of Mr. Snyder,

The further consideration of said bill was indefinitely postponed.

Mr. Pearson from the committee on Canals and Canal Lands, to which was referred a resolution instructing them to inquire into the available resources of the State, such as lands, lots and water power which may be sold to pay off the interest on the canal debt, made a report thereon in writing; which was read.

Mr. Allen moved to lay the said report on the table, and that 5,000 copies of the same be printed for the use of the Senate;

Mr. Little proposed 1,000 copies.

Mr. Ross moved 500 copies.

Mr. Churchill moved to amend by adding:

"*Provided*, the Public Printer will print, fold and stitch 5,000 copies for a sum not exceeding fifty dollars."

Mr. Richardson moved the previous question;

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And the question being taken on laying said report on the table and that 5,000 copies thereof be printed;

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Feaman, Gatewood, Hacker, Hunter, James, Johnston, Markley, Pearson, Ralston, Richardson, Snyder, Stadden and Witt—14.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Killpatrick, Little, Monroe, Moore, Parrish, Ross, Sargent, Slocumb, Stapp, Warren and Wood—24.

And on the question being taken on laying said report on the table and that 1,000 copies be printed;

It was decided in the affirmative.

A message from the Council of Revision by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am requested by the Council of Revision to inform the Senate that they have approved bills of the following titles, viz:

"An act to amend the several laws to provide for the distribution of the interest on the school, college and seminary fund;"

"An act to legalize the assessment of property in the county of Peoria and other counties, for the year 1840;"

"An act to incorporate the Benton Academy, in Franklin county;"

"An act to legalize the assessment of taxable property in the northern division of Jefferson county for the year A. D. 1840;"

"An act for the appointment of a notary public in the city of Nauvoo;"

"An act to vacate the town plat of the town of Livingston;"

"An act to amend an act, entitled 'An act to incorporate the city of Quincy,'" approved February 3, 1840; and

"An act to amend an act to incorporate the Hamilton primary school;"

And he withdrew.

Mr. Gatewood introduced a bill, entitled "An act to provide for the payment of certain debts due from the State to the Banks;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Monroe introduced a bill, entitled "An act to authorize the Secretary of State to subscribe for 150 copies of A. Bielaskie's map of Illinois;" which was read, and

*Ordered to a second reading.*

On motion,

The Senate adjourned.

SATURDAY, JANUARY 9, 1841.

Senate met pursuant to adjournment.

Mr. Richardson, from the committee on Elections, to which was referred a resolution in relation to the expediency of changing the present mode of voting, reported the same back and asked to be discharged from the further consideration of the subject; which was concurred in, and,

On motion of Mr. Richardson,

Said resolution was laid on the table.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a bill, entitled "An act to amend the several acts to extend the corporate powers of the town of Peoria," reported the same back without amendment and recommended its passage.

*Ordered to be engrossed for a third reading.*

Mr. Gatewood, from the committee on Finance, to which was referred a bill, entitled "An act for the relief of A. P. Field, late Secretary of State," reported the same back without amendment.

Mr. Gatewood moved to fill the blank with the words "seven hundred and fifty nine dollars and eighty cents."

Mr. Heradon moved to lay the bill and the proposed amendment on the table; which was agreed to.

Mr. Wood, from the committee on Petitions, to which was referred a petition of sundy citizens of Peoria county, praying for an act of incorporation, reported a bill, entitled "An act to incorporate the Farmers Exporting company;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

*Resolved*, That the Public Printer report to the Senate the cost to the State for furnishing to the Senate five hundred copies of the fifth annual report of the Board of Commissioners of the Illinois and Michigan canal, to include charge for composition, press work, paper, folding and stitching.

Mr. Ross introduced a bill, entitled "An act to amend the act, entitled "An act confirming grants of property made for the encouragement of education and for other purposes," approved February 1, 1831;" which was read, and

*Ordered* to a second reading.

Mr. Witt introduced a bill, entitled "An act to provide for the settlement of the accounts of the State House Commissioners;" which was read, and

*Ordered* to a second reading.

Mr. Feaman introduced a bill, entitled "An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts and redemption of land;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

Leave of absence was granted to Mr. Gibbs, for ten days from Monday next.

The bill, entitled "An act re-organizing the Judiciary of the State of Illinois," being under consideration,

And the question recurring on the question pending at the time of adjournment on Thursday evening last, which was on ordering said bill to be engrossed for a third reading;

Mr. Warren moved to amend said bill by adding the following, viz:

"Sec. The Judges, elected under the provisions of this act, shall each receive as a compensation for their services, the sum of one thousand dollars per year, and no more, to be paid to them quarterly;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Harris, Henry, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt and Wood—25.

Mr. Baker moved to amend by striking out all after the enacting clause and insert the following, viz:

"That the present Judges of the Supreme Court shall be required to perform circuit duties in the following circuits:

S. D. Lockwood, shall hold the circuit courts, as now provided by law, in the following counties.

T. C. Browne, in the following counties.

T. W. Smith, in the following counties.

William Wilson, in the following counties."

Mr. Richardson moved the previous question;

And on the question—"Shall the main question be now put?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Hamlin, Harris, Harrison, Johnston, Markley, Moore, Nunnally, Ralston, Richardson, Slocumb, Snyder, and Stadden—12.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Hacker, Henry, Herndon, Houston, Hunter, James, Killpatrick, Little, Parrish, Pearson, Ross, Sargent, Stapp, Warren, Witt and Wood—26.

Whereupon, Mr. Monroe called for a division of the question;

And the question being first taken on striking out all after the enacting clause;

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Nunnally, Ross, Sargent, Slocumb, Stapp, and Warren—18.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt and Wood—21.

Mr. Stapp moved to amend by striking out the word "five" in the second section, and insert "eight" in lieu thereof; which was not agreed to.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt and Wood—22.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stapp and Warren—17.

On motion of Mr. Snyder,

The rule was dispensed with, and said bill read a third time by its title.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Hous-



ton, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt and Wood—22.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullow, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Slocomb, Stapp, and Warren—17.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the Council of Revision by Mr. Purinton, their Secretary:

*Mr. Speaker*: The Council of Revision have had under consideration a bill, entitled "An act making school commissioners elective by the people," and return the same to the Senate as improper to become a law of this State, because doubts may hereafter arise as to what laws are in conflict with this bill. To obviate this objection, and meet what the Council suppose to be the views of the Legislature, the Council would suggest as a substitute to the 4th section of this bill a provision to the following effect, viz:

"The commissioners and agents appointed by the county commissioners' courts of the several counties of this State shall respectively go out of office as soon as the school commissioners to be elected under this act shall have entered into bonds, as is provided in the first section of this act, and all such parts of laws authorizing the county commissioners' courts to appoint commissioners and agents shall cease to operate as soon as school commissioners in the several counties of this State are elected and qualified to act according to the provisions of the first section of this act."

The bill provides no duties for the school commissioners to perform and contains no reference to former laws authorizing the appointment of a commissioner and agent for the inhabitants of each of the counties of this State, so as by implication, to involve the duties and powers of said commissioners and agents upon the school commissioners to be elected by the people.

The Council would therefore suggest that provision be made that the school commissioners to be elected, under the provisions of this act, shall perform all the duties, possess all the powers, and be subject to all the liabilities that are conferred and imposed on the commissioners and agents appointed by the county commissioners' courts of each of the counties of this State, under and by virtue of "An act, entitled 'An act authorizing the sale of sections numbered sixteen, or such lands as may be granted in lieu thereof to the inhabitants of such township for the use of schools,'" passed 22d January, 1829, and the several acts amendatory and in addition thereto.

(Signed.)

THO. CARLIN,  
SAM'L. D. LOCKWOOD,  
THO. C. BROWNE,  
WM. WILSON,  
THEO'S. W. SMITH.

On motion,  
The Senate adjourned.

MONDAY, JANUARY 11, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of Wm. Walters, Public Printer, in answer to a resolution of the Senate in relation to the expense of printing the report of the commissioners of the Illinois and Michigan canal; which was read, and,

On motion of Mr. Parrish,

Laid on the table.

Mr. Stadden presented the petition of sundry citizens of De Kalb county, in relation to the county seat of said county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Cullom presented the remonstrance of sundry citizens of Tazewell county, against any division of said county, and,

On motion of Mr. Cullom,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Churchill presented the petition of the Madison county ferry company, and,

On motion of Mr. Churchill,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Pearson presented the petition and remonstrance of sundry citizens of Juliet, in relation to said town, and,

On motion of Mr. Pearson,

The reading of the same was dispensed with, and referred to the committee on Petitions.

On motion of Mr. Little,

The order of business was suspended,

And the bill, some days since laid on the table, entitled "An act to repeal an act incorporating the town of Juliet," was taken up, and referred to the committee on Petitions.

Mr. Monroe presented the petition of sundry citizens of Shelby, Colfax and Effingham counties, praying the location of a State road there named, and,

On motion of Mr. Monroe,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Hacker, from the committee on Internal Improvements, made lengthy report in writing, and,

On motion of Mr. Allen,

The reading of the same was dispensed with, laid on the table, and ordered to be printed in

*Ordered* to be printed for the use of the Senate.

On motion of Mr. Witt,

*Resolved*, That the committee on Finance be instructed to inquire in

the expediency of so amending the revenue law as to require but one assessor in each county, and to elect said assessor by the people, and that they make such other amendments as to them may seem necessary touching only the details of the present revenue law.

Mr. Fithian moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That no new bill shall be introduced into either branch of this General Assembly after the 25th day of the present month, and that this General Assembly will adjourn, *sine die*, on the first Monday in February next.

Mr. Allen moved to amend the same by striking out the words "first Monday" and inserting the word "fifteenth" in lieu thereof.

Mr. Herndon moved to lay said resolution, and the proposed amendment, on the table; which was not agreed to.

Whereupon,

Mr. Fithian accepted the proposed amendment as a modification.

Mr. Monroe moved to amend said resolution by striking out "fifteenth" and inserting "eighth," in lieu thereof.

Mr. Pearson moved to lay said resolution, together with the proposed amendment on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Slocumb, Snyder, Stadden, Stapp and Warren—20.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, James, Killpatrick, Little, Monroe, Ross, Sargent, Witt and Wood—16.

Mr. Warren moved the adoption of the following order, viz:

*Ordered,* That the Secretary of the Senate be required to amend the Journal by adding to the amendment of Mr. Warren to the bill for "An act re organizing the judiciary of the State of Illinois" the words following, viz:

"Until the year 1844;" which was not agreed to.

Mr. Witt moved the adoption of the following resolution, viz:

*Resolved by the Senate,* That hereafter the hour of meeting of the Senate, shall be at 9 o'clock, A. M.

Mr. Allen moved to amend, so as to take effect after the 20th inst.;

Mr. Ross moved to refer said resolution, and the proposed amendment to the committee on Military Affairs; which was decided in the affirmative.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Allen introduced a bill entitled "An act to increase the compensation of the clerk of the county commissioners court of Greene county for ex-officio services;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,  
The order of business was suspended,  
Whereupon,

Mr. Gatewood, from the committee on Finance, to which was referred "An act to provide for the payment of certain debts due from the State to the Banks," reported the same back with an amendment;

Mr. Pearson moved to lay said bill, together with the proposed amendment, on the table; which was decided in the affirmative.

Mr. Gatewood moved to further suspend the order of business; which was agreed to.

Whereupon,

Mr. Gatewood from the select committee appointed to examine into the contracts, entered into, June the 8th, 1839, by E. G. Nichols with the late Commissioner of the seventh Judicial Circuit for the improvement of the Upper Rapids on Rock river, made a lengthy report; which was read and concurred in.

Mr. Herndon moved that 500 copies of the same be printed for the use of the Senate; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gatewood, Hacker, Hamlin, Harris, Harrison, Herndon, Houston, Johnston, Markley, Nunnally, Parrish, Pearson, Richardson and Slocumb—16.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gaston, Henry, Hunter, James, Killpatrick, Little, Monroe, Moore, Ross, Sargent, Stadden, Stapp, Warren and Witt—19.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence in said report and resolutions.

Mr. Richardson introduced a bill, entitled "An act to amend an act to incorporate the town of Rushville," approved March 2, 1839; which was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The order of business was suspended,

And the resolution from the House of Representatives in relation to calling a Convention to amend the Constitution of this State, was taken up;

Mr. Pearson moved to lay the same on the table; which was not agreed to.

And on the question—"Will the Senate concur with the House of Representatives in the adoption of said resolution?"

It was decided in the affirmative by a Constitutional majority of the Senate.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gatewood, Hamlin, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Warren and Witt—28.

Those voting in the negative, are,

Messrs. Davidson, Gaston, Hacker, Harris, Herndon, James, Johnston, Pearson and Wood—9.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Harrison introduced a bill, entitled "An act to provide means for the endowment of a Hospital in Galena;" which was read, and,

*Ordered* to a second reading.

Mr. Harrison moved to dispense with the rule, and that said bill be now read the second time by its title; which was not agreed to.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz:

"An act fixing the time of holding courts in the sixth Judicial Circuit."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

The engrossed bill, entitled "An act for the relief of certain securities therein named," was read a third time;

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Fithian, Hamlin, Harris, Harrison, Henry, Herndon, Hunter, Johnston, Killpatrick, Markley, Monroe, Moore, Pearson, Ross, Sargent, Stadden, Warren and Witt—23.

Those voting in the negative, are,

Messrs. Davidson, Gaston, Gatewood, Hacker, Houston, James, Little, Nunnally, Parrish, Slocumb and Wood—11.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to limit the tenure of public administrators, notaries public and masters in chancery," was read a third time,

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Slocumb, Stadden, Warren, Witt and Wood—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, and Stapp—15.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the relief of the sheriff of Schuyler county," was read a third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to incorporate the trustees of the Winchester male and female common and preparatory schools," was read a third time, and,

On motion of Mr. Little,

Referred to a select committee.

Ordered, That Messrs. Little, Killpatrick and Allen, be that committee.

The bill entitled "An act to authorize the county commissioners' court of Ogle county to levy and collect a tax," was read a second time, and

Ordered to be engrossed and read a third time.

The bill, entitled "An act to provide for settlers on lands purchased by the State;" was read the second time, and,

On motion of Mr. Gaston,

Referred to the committee on Internal Improvements.

The bill, entitled "An act to insure the payment of a bounty on wolf scalps." was read the second time;

Mr. Witt moved to amend said bill by striking out the words "six months" wherever they occur; which was not agreed to.

Mr. Witt moved to postpone indefinitely the further consideration of the same; which was decided in the negative.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Herndon, Houston, James, Little, Nunnally, Parrish, Pearson, Ross, Slocumb and Stapp—20.

Those voting in the negative, are,

Messrs. Cullom, Evans, Gaston, Harris, Henry, Hunter, Johnston, Killpatrick, Markley, Monroe, Moore, Richardson, Sargent, Stadden, Warren, Witt and Wood—17.

The bill, entitled "An act to authorize the county commissioners of Pike county to execute a certain conveyance;" which was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 12, 1841.

Senate met pursuant to adjournment.

Mr. Moore presented the petition of sundry citizens of McLean and De Witt counties, for a State road, and,

On motion of Mr. Moore,

The reading of the same was dispensed with, and referred to the committee on State Roads.

Mr. Wood, from the committee on Petitions, to which was referred the bill from the House of Representatives, entitled "An act to repeal an act incorporating the town of Juliet," reported the same back without amendment and recommended its passage.

*Ordered* to be read a third time.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of sundry citizens of Shelby, Coles and Effingham, in relation to a road therein named, reported a bill, entitled "An act to locate a State road from Shelbyville, to Mint Point in Coles county;" which was read, and

*Ordered* to a second reading.

Mr. Parrish, from the committee on Salines and Saline Lands, to which was referred a communication of the Auditor of Public Accounts, in relation to the salines of this State made a special report thereon; which was read and concurred in, and,

On motion of Mr. Parrish,

Said communication was laid on the table.

Mr. Parrish, from the same committee, also reported a bill, entitled "An act to amend an act, entitled 'An act relating to the Gallatin salines and the lands belonging to the same,'" approved January 16, 1836; which was read, and

*Ordered* to a second reading.

Mr. Allen, from the select committee to which was referred the bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts," reported the same back with an amendment.

Mr. Baker moved to amend the proposed amendment of the committee by adding the following:

"Except in cases where the contract was made, or cause of action accrued in the district of said justice."

Mr. Gatewood moved to recommit said bill and proposed amendments to a select committee of five; which was decided in the affirmative.

*Ordered*, That Messrs. Hacker, Gatewood, Monroe, Moore, Baker and Witt, be that committee.

M. Hacker, from the joint select committee, to which was referred a joint resolution instructing them to prepare a memorial to Congress in relation to establishing a Marine Hospital at the city of Cairo, in the county of Alexander in this State, reported a memorial in favor of the same; which was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ross moved the adoption of the following preamble and resolution, viz:

*Whereas*, Congress originally in providing for the construction of the National Road designed that it should pass the several permanent seats of government in the western States, viz: Ohio, Indiana, Illinois and Missouri; *And whereas*, said road has been located from the seat of Government of the State of Indiana, to Vandalia in the State of Illinois, with reference to the former and temporary seat of government of this State; *And whereas*, said seat of government has been permanently located in the city of Springfield in said State, and the best interests of the Union

would be promoted by diverging the location and construction of said road from the seat of government of the State of Indiana (via) the city of Springfield, and thence on the most eligible route to the seat of Government of the State of Missouri. Therefore,

*Resolved by the General Assembly of the State of Illinois,* That our Senators in Congress be instructed, and our Representatives be requested to use their exertions and influence for the passage of a law providing a law for such change and location.

Mr. Hacker moved to lay the same on the table; which was decided in the affirmative.

On motion of Mr. Gatewood,

*Resolved,* That the petition of Calvin Gould, in relation to compensation for lands bought of the State from which he has been by due course of law evicted, and which was formerly presented to the Legislature, be taken from the files in the Secretary's office, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Hunter introduced a bill, entitled "An act to incorporate the Bond county Academy;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hunter,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on School Lands and Education.

Mr. Hunter introduced a bill, entitled "An act to incorporate the Greeneville Hotel Company;" which was read, and

*Ordered* to a second reading.

Mr. Allen introduced a bill, entitled "An act to build a bridge across Macoupin creek in Greene county;" which was read, and

*Ordered* to a second reading.

Mr. Hacker introduced a bill, entitled "An act supplementary to an act, entitled 'An act to incorporate the Cairo city and canal company,' approved March 4, 1837;" which was read, and

*Ordered* to a second reading.

Mr. Herndon introduced a bill, entitled "An act to authorize William Carpenter to build a toll bridge across Sangamon river;" which was read, and

*Ordered* to a second reading.

The engrossed bills, entitled

"An act to incorporate the Cairo city mills;"

"An act to amend the several acts to extend the corporate powers of the town of Peoria;" and

"An act to authorize the county commissioners' court of Ogle county to levy and collect a tax;"

Were severally read the third time, and passed.



*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to insure the payment of a bounty on wolf scalps," was read the third time;

And on the question—"Shall said bill pass?"

It was decided in the affirmative,

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Herndon, Houston, James, Killpatrick, Little, Parrish, Pearson, Ralston, Richardson, Slocumb and Stapp—21.

Those voting in the negative, are,

Messrs. Cullom, Evans, Gaston, Harris, Henry, Hunter, Johnston, Markley, Monroe, Moore, Nunnally, Sargent, Stadden, Warren, Witt and Wood—16.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence herein.

The bill, entitled "An act to enable Harriet Bradford, administratrix, to settle the estate of William Bradford, deceased," was read the second time, and,

On motion of Mr. Gatewood,

Referred to the committee on the Judiciary.

The bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes,'" was read, the second time.

Mr. Henry moved to amend said bill by adding the following as an additional section, viz:

"Sec. 2. The legal voters of the corporate limits of the town of Jacksonville shall have the right at any annual election for town officers, to vote for or against continuing in force all laws and parts of laws incorporating the town of Jacksonville, and if it shall appear that a majority of the legal voters are opposed to a continuance of the act of incorporation, then the said act of incorporation shall be null and void;" which was agreed to, and said bill, as amended,

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act fixing the manner of Congressional elections;" was read the second time, and,

On motion of Mr. Hacker,

Referred to the committee on Elections.

The bill, entitled "An act to incorporate the town of Petersburg," was read the second time, and,

On motion of Mr. Little,

Referred to the committee on Incorporations.

The bill, entitled "An act to provide for the settlement of the accounts the State House Commissioners," was read the second time, and,

On motion of Mr. Herndon,

Laid on the table.

The bill, entitled "An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts and redemption of land," was read the second time, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

The bill, entitled "An act to amend an act, entitled 'An act confirming grants of property made for the encouragement of education and for other purposes,' approved February 1, 1831," was read the second time, and,

On motion of Mr. Little,

Referred to the committee on Incorporations.

The bill, entitled "An act to authorize the Secretary of State to subscribe for 150 copies of A. Bielaskie's map of Illinois," was read the second time;

Mr. Ralston moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Churchill, Evans, Gaston, Hacker, Henry, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Ralston, Sargent, Stadden, Stapp, Witt and Wood—18.

Those voting in the negative, are,

Messrs. Allen, Cullom, Davidson, Feaman, Fithian, Hamlin, Harris, Harrison, Herndon, Houston, James, Killpatrick, Monroe, Pearson, Richardson, Slocumb and Warren—17.

The bill, entitled "An act to incorporate the Farmers Exporting company," was read the second time, and,

On motion of Mr. Hamlin,

Referred to the committee on Incorporations.

The bills, entitled

"An act to provide for printing justices laws in a separate volume;"

"An act to authorize the county commissioners of Jefferson county to borrow money;" and

"An act to amend an act to incorporate the town of Rushville," approved March 2, 1839;"

Were severally read the second time, and

Ordered to be engrossed and read a third time.

The bill, entitled "An act to increase the compensation of the clerk of the county commissioners' court of Greene county for ex-officio services," was read the second time;

Mr. Little moved to amend by striking out "county of Greene," and insert "several counties in this State," in lieu thereof; which was agreed to.

And on the question—"Shall said bill be engrossed, as amended, and read a third time?"

It was decided in the negative.

Mr. Churchill moved to reconsider the vote just taken on ordering to a third reading; which was agreed to, and,

On motion of Mr. Witt,

The vote just taken on the amendment of Mr. Little, to said bill, was also re-considered.

Whereupon, Mr. Little withdrew his amendment, and said bill, was *Ordered* to be engrossed and read a third time.

The bill, entitled "An act to provide means for the endowment of a Hospital in Galena," was read the second time, and,

On motion of Mr. Harrison,  
Referred to the committee on the Judiciary.

On motion of Mr. Moore,  
The order of business was suspended;

And the bill, entitled "An act making school commissioners elective by the people," together with the objections of the Council of Revision hereto, was taken up, and

On motion of Mr. Davidson,  
Referred to the committee on Schools Lands and Education.

On motion of Mr. Gatewood,  
The order of business was further suspended;

And the bill, entitled "An act to provide for the payment of certain debts due from the State to the Banks," together with the proposed amendment of the committee on Finance, was taken up, the amendment was read and concurred in;

And said bill, as amended,  
*Ordered* to be engrossed and read a third time.

On motion,  
The Senate adjourned.

## WEDNESDAY, JANUARY 13, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from J. Lamborn, Attorney General, made in pursuance of a resolution of the Senate in relation substituted checks; which was read, and,

On motion of Mr. Ross,  
Laid on the table.

Mr. Harris presented the petition of sundry citizens of Macoupin county, praying for an alteration in a State road therein named, and,

On motion of Mr. Harris,  
The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Slocumb presented the petition of Messrs. Leech and Smith, praying for relief, and,

On motion of Mr. Slocumb,  
The reading of the same was dispensed with, and referred to the committee on Finance.

Mr. Pearson moved the adoption of the following resolution, viz:  
*Resolved*, That the Secretary of the Senate inform the House of Representatives that the resolution adopted on the 11th inst., for the call of a

Convention, and as agreed by the Senate, be again returned to the Senate for further consideration.

Mr. Monroe moved to amend the same by striking out all after the word "Resolved," and insert the following in lieu thereof, viz:

"That those Senators absent when the vote was taken on the resolution in relation to the convention be permitted to record their votes."

Mr. Gatewood moved to lay said resolution and the proposed amendment, on the table until the 4th day of July next; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gatewood, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Ross, Sargent, Slocumb, Stapp and Warren—25.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, James, Pearson, Ralston, Richardson, Witt and Wood—9.

Mr. Moore asked and obtained leave of absence for Mr. Cullom, for one week.

Mr. Moore moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses will meet in the Hall of the House of Representatives, on Saturday the 16th inst., at two o'clock, P. M., for the purpose of electing one Fund Commissioner, an Auditor of Public Accounts, a State Treasurer and Public Printer.

Mr. Allen moved to amend the same by striking out the words "one Fund Commissioner;" which was not agreed to.

Mr. Ralston moved to lay said resolution on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Herndon, Johnston, Monroe, Nunnally, Ralston, Richardson, Ross and Stapp—8.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, James, Killpatrick, Little, Markley, Moore, Parrish, Pearson, Sargent, Slocumb, Stadden, Warren, Witt and Wood—29.

And the question then being taken upon the adoption of the resolution,

It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned.

THURSDAY, JANUARY 14, 1841.

Senate met pursuant to adjournment.

Mr. Richardson presented the petition of Lewis Gay and 78 other citizens of Schuyler and Adams counties, praying for the establishment of a State road from Columbus to Brooklyn, and,

On motion of Mr. Richardson,

The reading was dispensed with, and referred to the committee on Public Roads.

Mr. Ralston presented the petition of H. A. Cyrus, and others, praying the establishment of a State Road, and,

On motion of Mr. Ralston,

The reading was dispensed with, and referred to the committee on Public Roads.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to authorize the county commissioners of Pike county to execute a certain conveyance," reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

Mr. Harrison, from the committee on Internal Navigation, to which was referred the petition of the Madison county ferry company, reported a bill, entitled "An act to authorize the Madison county ferry company to construct a road or causeway;" which was read, and

*Ordered* to a second reading.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk.

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to authorize Samuel M. Bowman to build a dam across Rock river and for other purposes therein named;"

"An act for the formation of the county of Mason;" and

"An act for the formation of the county of Piatt."

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in a resolution in relation to the apportionment of representation, as amended by the House of Representatives, viz:

By striking out "5,000," as the basis of representation in the House of Representatives, and insert "4,000."

In the adoption of which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Little, from the committee on the Judiciary, to which was referred "An act to enable Harriet Bradford, administratrix, to settle the estate of Wm. Bradford, deceased," reported the same back with an amendment; which was concurred in, and said bill, as amended,

*Ordered* to be engrossed and read a third time.

Mr. Johnston, from the same committee, to which was referred the bill, entitled "An act to enable the executors of James Hughes, deceased, to

sell real estate for the payment of debts and redemption of land," reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

Mr. Baker moved the adoption of the following preamble and resolution, viz:

*Whereas*, Alexander Bielaskie, civil engineer, executed, while in the service of the State, a map of the State of Illinois, which evinces great skill on his part and presents in an admirable manner the geographical and topographical character of the State. Therefore,

*Resolved by the Senate, the House of Representatives concurring herein*, That Mr. Bielaskie be permitted to have the custody of said map for such time as he may require for the purpose of having the same published; which was agreed to.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson introduced a bill, entitled "An act to provide for the election of one railroad commissioner; which was read, and

*Ordered* to a second reading.

Mr. Markley introduced a bill, entitled "An act regulating the sale of property;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The engrossed bill, entitled "An act to provide for the printing justices laws in a separate volume," was read the third time, and,

On motion of Mr. Little,

Laid on the table.

The engrossed bill, entitled "An act to provide for the payment of certain debts due from the State to the Banks;" was read the third time;

Mr. Herndon moved to amend by adding the following as an additional section:

"SEC. 5. That all warrants issued hereafter by the Auditor, shall bear interest at the rate of six per cent. per annum;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Hamlin, Harrison, Herndon, James, Johnston, Markley, Monroe and Witt—9.

Those voting in the negative, are,

Messrs. Allen, Churchill, Evans, Feaman, Fithian, Gaston, Hacker, Harris, Henry, Houston, Hunter, Killpatrick, Little, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Warren and Wood—26.

And on the question—"Shall the bill pass?"

It was decided in the affirmative,

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Feaman, Fithian, Hacker, Hamlin, Harris, Harrison, Herndon, Houston, Hunter, Killpatrick, Little, Markley, Monroe, Moore, Pearson, Ralston, Richardson, Sargent, Slocumb, Stadden and Warren—23.

Those voting in the negative, are,

Messrs. Baker, Evans, Gaston, Henry, James, Johnston, Nunnally, Parrish, Ross, Witt and Wood—11.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act to authorize the county commissioners of Jefferson county to borrow money;"

"An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes;'"

"An act to increase the compensation of the clerk of the county commissioners' court of Greene county for ex-officio services;" and

"An act to amend an act to incorporate the town of Rushville," approved March 2, 1839;

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to locate a State road from Shelbyville to Mint Point in Coles county," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to build a bridge across Macoupin creek in Greene county," was read the second time;

Mr. Little moved to refer the same to the committee on Incorporations; which was not agreed to.

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to amend an act, entitled 'An act relating to the Gallatin salines and the lands belonging to the same,'" approved January 16, 1836, was read the second time, and,

On motion of Mr. Johnston,

Referred to the committee on Finance.

The bills, entitled

"An act to incorporate the Greeneville Hotel Company;" and

"An act supplementary to 'An act to incorporate the Cairo city and canal company,'" approved March 4, 1837;

Were severally read the second time, and referred to the committee on Incorporations.

The bill, entitled "An act to authorize William Carpenter to build a toll bridge across Sangamon river," was read the second time, and,

On motion of Mr. Herndon,

Referred to the committee on Counties.

The bills from the House of Representatives, entitled

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a road therein named;" and

"An act to repeal an act incorporating the town of Juliet;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Baker.

The order of business was suspended;

And the message just received from the House of Representatives, containing their amendments to a resolution of the Senate in relation to the apportionment of Representation, was taken up for consideration;

And on the question—"Will the Senate concur with the House of Representatives in their amendment to said resolution?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Evans, Butler, Harris, Harrison, Herndon, Hunter, Johnston, Monroë, Parrish, Richardson and Slocumb—12.

Those voting in the negative, are,

Messrs. Allen, Churchill, Fennan, Fithian, Gaston, Hamlin, Henry, Houston, James, Kilpatrick, Little, Markley, Moore, Nunnally, Pearson, Ralston, Ross, Sargent, Staedden, Stapp, Warren, Witt, and Wood—23.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved*, That the Senate be respectfully requested to transmit to this House the report of the select committee of the Senate appointed to investigate the fittings at the Upper Rapids of Rock river, together with all the evidence and documents accompanying the same.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Little.

The vote taken on the passage of a bill, entitled "An act in relation to a road therein named," was reconsidered.

Mr. Little moved to amend said bill by adding the following as an additional section, viz:

"SEC. 2. Any citizen of Hancock county may, by voluntary enrollment, attach himself to the Nauvoo Legion, with all the privileges which appertain to that independent military body;" which was agreed to.

And on the question—"Shall said bill pass, as amended?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act for the location of a State road in the counties of Hamilton, Franklin and Perry," was read the second time, and,

On motion of Mr. Parrish,

Referred to the committee on Public Roads.



The bill from the House of Representatives, entitled "An act for the formation of the county of Piatt," was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

The bills from the House of Representatives, entitled

"An act to amend an act, entitled "An act to regulate tavern and grocery licenses;"

"An act to incorporate the Pisgah Academy;"

"An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;"

"An act to incorporate the town of Galesburg, in Knox county;"

"An act to change the name of a person therein named;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act extending the duties of notaries public;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act to incorporate the Union manufacturing company;"

"An act for the benefit of the persons therein named;"

"An act fixing the time of holding courts in the sixth Judicial Circuit;" and

"An act to provide for reviewing certain State roads;"

Were severally read the first time, and

*Ordered* to a second reading.

The resolution contained in the message of the House of Representatives of the 6th instant, in relation to the appointment of a joint select committee to draft a memorial to Congress on the subject of exchanging seminary and school lands, was read and concurred in.

*Ordered*, That Messrs. Churchill and Wood, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

The resolution contained in the same message, in relation to legalizing the census of Cass county, as taken by the United States' Marshal; was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The resolution contained in the message from the House of Representatives last received, in relation to the report of the select committee appointed to investigate the lettings of the Upper Rapids of Rock river, was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof, and transmit the papers therein named.

On motion of Mr. Monroe,

The bill from the House of Representatives, some days since laid on the table, entitled "An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary and Jonesboro' College,'" proved February 3, 1840, was taken up, and,

On motion of Mr. Monroe,

Referred to the committee on Finance.

On motion of Mr. Stadden,

The bill, some days since laid on the table and the proposed amendment of the committee on Canals and Canal Lands, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and lots and lease of water privileges for the payment of interest on the canal debt," was taken up;

Mr. Ross moved to refer said bill and the proposed amendment to the committee of the Whole Senate, and made the order of the day for Monday next; which was decided in the affirmative.

On motion of Mr. Stapp,

The bill from the House of Representatives, some days since laid on the table, entitled "An act to authorize Charles Sanburn, a minor, to execute a deed to the person therein named," was taken up;

And on the question—"Shall said bill pass?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Evans, Feaman, Fithian, Hacker, Hamlin, Harrison, Houston, Hunter, Richardson, Stadden, Stapp and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Davidson, Gaston, Harris, Henry, Herndon, James, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parish, Pearson, Ross, Sargent, and Wood—19.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

## FRIDAY, JANUARY 15, 1841.

Senate met pursuant to adjournment.

A Message from the House of Representatives by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein*, That a committee of conference of both Houses be appointed, to consist of five members on the part of the House of Representatives and three on the part of the Senate, upon the disagreeing vote of the two Houses on the joint resolutions providing for a revision and digest of the laws of this State.

*Ordered*, That Messrs. Hardin, Trumbull, Dougherty, Bissell and Drummond be the committee on the part of the House of Representatives.

And he withdrew.

Mr. Davidson, from the committee on School Lands and Education, to which was referred a bill, entitled "An act to amend an act, entitled 'An act confirming grants of property made for the encouragement of educa-

tion and for other purposes," approved February 1, 1831," reported the same back without amendment and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Pearson, from the committee on the Judiciary, to which was referred a resolution instructing said committee to bring in a bill amending the act regulating elections, reported a bill, entitled "An act to amend and explain the election law," approved January 10, 1829; which was read, and

*Ordered* to a second reading.

Mr. Moore, from the committee on Counties, to which was referred a bill from the House of Representatives, entitled "An act for the formation of the county of Piatt," reported the same back without amendment and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read a third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Davidson, from the committee on School Lands and Education, to which was referred a bill, entitled "An act to incorporate the Bond county academy," reported the same back with an amendment; which was read, and concurred in, and said bill, as amended,

*Ordered* to be engrossed and read a third time.

On motion of Mr. Henry,

The order of business was suspended;

And the bill, contained in the message from the House of Representatives, entitled "An act for the formation of the county of Mason," was taken up for consideration, and said bill read the first time, and

*Ordered* to a second reading.

On motion of Mr. Baker,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of H. A. Cyrus and others, praying the establishment of a State road, reported a bill, entitled "An act to locate a State road from Columbus to Houston in Adams county; which was read, and

*Ordered* to a second reading.

Mr. Nunnally, from the same committee, to which was referred the petition of Lewis Gay and others, praying the establishment of a State road, reported a bill, entitled "An act to locate a State road from Columbus in Adams county to Brooklyn in Schuyler county;" which was read, and

*Ordered* to a second reading.

Mr. Nunnally, from the same committee to which was referred a bill, from the House of Representatives, entitled "An act for the location of a State road in the counties of Hamilton, Franklin and Perry," reported the same back without amendment.

*Ordered* to a third reading.

Mr. Pearson introduced a bill, entitled "An act regulating evidence in certain cases;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Herndon introduced a bill, entitled "An act to amend an act to incorporate the city of Springfield," approved February 3, 1840; which was read, and

*Ordered* to a second reading.

The engrossed bills, entitled

"An act to enable Harriet Bradford, administratrix, to settle the estate of William Bradford, deceased;"

"An act to build a bridge across Macoupin creek in Greene county;" and

"An act to locate a State road from Shelbyville, to Mint Point in Coles county;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to incorporate the Greeneville Hotel Company," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Incorporations.

The bill, entitled "An act to authorize the Madison county ferry company to construct a road or causeway," was read the second time, and,

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to provide for the election of one Railroad Commissioner," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Internal Improvements,

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to regulate tavern and grocery licenses,'" was read the second time.

Mr. Churchill moved to amend the same by adding the following as an additional section, viz:

"SEC. If a majority of the legal voters in any county, justices district, incorporated town, city, or ward in any city, shall petition the county commissioners courts or other authority authorized to grant licenses, desiring that no license shall be granted to retail spirituous liquors within the bounds of said county, justices district, incorporated town, city, or ward in any city, then and in that case it shall not be lawful to grant any grocery license in said county, justice's district, incorporated town, city, or ward in any city, until a majority of the legal voters in said county, justices district, incorporated town, city, or ward, shall in like manner petition for the granting of such licenses. A petition in favor of granting a license to any person or limited number of persons, shall not be construed to authorize the granting of any more or other licenses than those expressly prayed for in such petition."

Mr. Hacker moved to refer said bill, and the proposed amendment, to the committee on Finance; which was decided in the affirmative.

The bill from the House of Representatives, entitled "An act to incorporate the Pisgah Academy," was read the second time, and,

On motion of Mr. Allen,

Referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes," was read the second time, and,

On motion of Mr. Harrison,

Referred to the committee on Internal Improvements.

The bill from the House of Representatives, entitled "An act to incorporate the town of Galesburg in Knox county," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Incorporations.

The bills from the House of Representatives, entitled

"An act to change the name of a person therein named;"

"An act to authorize the county commissioners of Christian county to borrow money;" and

"An act to legalize the acts of the commissioners of Jasper county;"

Were severally read the second time, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act extending the duties of notaries public," was read the second time;

Mr. Hamlin moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to incorporate the Union Manufacturing Company," was read the second time,

On motion of Mr. Killpatrick,

Referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act for the benefit of the persons therein named," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Canals and Canal Lands.

The bill from the House of Representatives, entitled "An act fixing the fees of holding the courts in the sixth Judicial Circuit," was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Harrison,

the rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to provide for the re-viewing certain State roads," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Public Roads.

The resolution contained in the message from the House of Representatives of the 4th instant, having for its object the appointment of a joint select committee to examine into certain documents to them referred, and report thereon in relation to the security of State Bonds sold and unsold &c., was read and concurred in.

*Ordered*, That Messrs. Gatewood, Hacker and Hamlin, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

The resolution contained in the message from the House of Representatives last received, having for its object the appointment of a committee of conference of the two Houses, in relation to the disagreeing vote on the resolution providing for the revival of all laws of a general nature, was read and concurred in.

*Ordered*, That Messrs. Little, Pearson, and Slocumb, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Little,

The vote taken on the title of the bill, entitled "An act to enable Henrietta Bradford, administratrix, to settle the estate of Wm. Bradford, deceased," was reconsidered;

Mr. Little moved to amend the title so as to make it read "An act authorizing administrators to settle estates in particular cases;" which was agreed to.

The engrossed bills, entitled

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;" and

"An act to enable the executors of James Hughes, deceased, to settle real estate for the payment of debts and redemption of land;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Richardson presented the petition of E. Doyle, asking for compensation for certain losses, and,

On motion of Mr. Richardson,

The reading of the same was dispensed with, and referred to the committee on Petitions.

On motion of Mr. Baker,

The bill from the House of Representatives, some days since laid on the table, entitled "An act to vacate a part of the town plat of Bennett in addition to the town of Petersburg, and for other purposes," was taken up.

*Ordered* to a third reading.

Mr. Gatewood introduced a bill, entitled "An act to designate the counties composing the third Judicial Circuit and fixing the time of holding courts therein;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Sargent,

The rule was dispensed with, and said bill read the second time and title, and

*Ordered* to be engrossed for a third reading.

On motion,

The Senate adjourned.

SATURDAY, JANUARY 16, 1841.

Senate met pursuant to adjournment.

Mr. Allen presented the petition of James Kitchens, praying for a divorce; which was read.

Mr. Allen moved to refer the same to the committee on the Judiciary;

Mr. Little moved to lay said petition on the table; which was decided in the affirmative.

Mr. Davidson presented the petition of sundry citizens of White county, in relation to the Little Wabash river, and,

On motion of Mr. Davidson,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Witt presented the petition of J. Russell and 59 other citizens of Greene county, in relation to marriage licenses; which was read;

Mr. Witt moved to refer the same to the committee on the Judiciary;

Mr. Stapp moved to lay said petition on the table; which was decided in the affirmative.

Mr. Little, from the committee on Incorporations to which was referred a bill from the House of Representatives, entitled "An act to incorporate the town of Macomb," reported the same back with sundry amendments hereto; which were severally read and concurred in.

*Ordered* to a third reading, as amended.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Nunnally, from the committee on Public Roads, to which was referred a bill from the House of Representatives, entitled "An act to provide for reviewing certain State roads," reported the same back without amendment and recommended its passage.

*Ordered* to a third reading.

Mr. Davidson, from the committee on School Lands and Education, to which was referred a resolution instructing them to make a digest of the statutes which are now in force in relation to common schools, &c., reported a bill, entitled "An act making provision for organizing and maintaining common schools."

On motion of Mr. Little,

The reading was dispensed with, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, and said bill read the second time by its title;

Mr. Davidson moved to refer said bill to the committee of the Whole Senate and made the order of the day for to-day; which was agreed to.

On motion of Mr. Davidson,  
The order of business was suspended,  
Whereupon,

On the further motion of Mr. Davidson,

The Senate resolved itself into a committee of the Whole for the purpose of taking into consideration the bill, entitled "An act making provision for organizing and maintaining common schools," Mr. Ross in the chair, and after some time spent therein, Mr. Speaker resumed the chair and,

Mr. Ross reported that the committee of the Whole Senate had, according to order, had said bill under consideration, made some progress therein, and directed him to ask leave to sit again; which was agreed to.

Mr. Baker, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act for the formation of the county of Mason," reported the same back without amendment and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Allen,

The order of business was suspended,  
Whereupon,

On the further motion of Mr. Allen,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration the bill, entitled "An act making provision for organizing and maintaining common schools," Mr. Ross in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Ross reported that the committee of the Whole Senate had, according to order, had said bill under consideration, made some progress therein, and directed him to ask leave to sit again; which was agreed to.

On motion,

The Senate adjourned.

## MONDAY, JANUARY 18, 1841.

Senate met pursuant to adjournment.

Mr. Stadden, from the committee on Petitions, to which was referred the petition of Phœbe Little, in relation to Lowell, in La Salle county, reported a bill entitled "An act to vacate a part of the town of Lowell; which was read, and

*Ordered* to a second reading.

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the second time by its title and

*Ordered* to be engrossed and read a third time.



On motion of Mr. Richardson,  
The order of business was suspended,  
Whereupon,  
Mr. Richardson introduced the petition of Wm. C. Harris, praying for relief, and,

On motion of Mr. Richardson,  
The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," reported the same back without amendment and recommended its passage.

Mr. Moore moved to refer the said bill to the committee on the Judiciary; which was decided in the affirmative.

Mr. Wood, from the committee on Petitions, to which was referred the petition of E. Doyle asking for compensation for certain losses," reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Richardson moved to refer said petition to the committee on Internal Improvements; which was decided in the affirmative.

Mr. Moore, from the committee on Counties, to which was referred sundry petitions and remonstrances from the citizens of Coles, Effingham and Jasper counties, in relation to the division of the same, reported the same back and asked to be discharged from a further consideration of the subject; which was agreed to.

Mr. Parrish moved to lay the same on the table; which was decided in the affirmative.

Mr. Houston asked leave to withdraw said remonstrances; which was agreed to.

Mr. Monroe also, asked and obtained leave to withdraw said petitions.

Mr. Moore, from the same committee, to whom was referred the bill, entitled "An act concerning county seats and county lines," reported the same back with an amendment;

Mr. Davidson moved to amend the amendment by striking out the words "three hundred and fifty," and insert "four hundred," in lieu thereof which was agreed to.

And the question then being taken on concurring with the amendment of the committee, as amended;

It was decided in the affirmative.

And said bill,

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Little moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* that no new business shall be introduced at this session of the General Assembly after the 26th day of January instant, and that it will adjourn on Monday the eighth day of February next.

Mr. Allen moved to amend the same by striking out the words "eighth" and insert "fifteenth" in lieu thereof;

Mr. Gatewood moved to lay said resolution and proposed amendment on the table; which was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Evans, Gaston, Gatewood, Hacker, Hamlin, Harris, Herndon, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Slocumb, Stadden and Witt—18.

Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Harrison, Henry, Houston, James, Killpatrick, Little, Monroe, Ralston, Ross, Sargent, Warren and Wood—18.

And there being a tie, Mr. Speaker voted in the affirmative.

On motion of Mr. Hamlin,

The vote just taken was re-considered,

And the question recurring on laying said resolution and proposed amendment on the table, and being taken,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gatewood, Hacker, Harris, Herndon, Hunter, Johnston, Markley, Moore, Parrish, Pearson, Richardson, Slocumb and Stadden—14.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gaston, Hamlin, Harrison, Henry, Houston, James, Killpatrick, Little, Monroe, Nunnally, Ralston, Ross, Sargent, Stapp, Warren Witt and Wood—23.

And the question then being taken on the proposed amendment,

It was decided in the affirmative.

And on the question—"Shall the resolution, as amended, be adopted?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson moved the adoption of the following resolutions, viz:

*Resolved*, That a committee of three be appointed to take into consideration so much of the Governor's message as relates to the payment of the agent, Gen. Thornton, for the negotiation of canal bonds in London in 1840, and to report to the Senate whether the said agent was the legal agent of the State or the canal contractors.

2d. Whether the bonds were sold to them here or elsewhere.

3d. Whether the State has received par value for said bonds, and how much, if any, of the proceeds were retained as compensation by said agent for his extra services so called.

4th. Whether said agent paid any part of said proceeds or money to brokers or shavers to aid him in the negotiation.

5th. Whether said agent has paid over to the State the proceeds, if the proceeds were coming to said canal contractors, whether he charged them any thing for his services over the salary he is allowed by the State as Canal Commissioner, and how much he has retained, and when.

6th. Whether he has or not, as such negotiator, further retained from Canal Contractors nine per cent. of the proceeds, and if so, why he did it, and the right of such agent thus to act.

7th. That the committee inquire into, and report all matters and things

which are necessary to enable the Senate to form a complete understanding of the appointment and negotiation and payment of the bonds referred to in the Governor's message, and the propriety of paying such agent for his extra services as suggested in the message of the Governor; which were read and adopted.

*Ordered*, That Messrs. Pearson, Little and Parrish, be that committee. Mr. Pearson introduced a bill, entitled "An act to create Directors to the State Bank of Illinois in proportion to the State Stock;" which was read,

Mr. Baker moved that the further consideration of said bill be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Millpatrick, Little, Monroe, Ross, Sargent and Stapp—13.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Talston, Richardson, Slocumb, Stadden, Warren, Witt and Wood—22.

*Ordered* to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Monroe introduced a bill, entitled "An act to legalize certain acts of the clerk of the Circuit Court of Coles county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Allen,

The Senate again resolved itself into a committee of the Whole for the purpose of taking into consideration the bill, entitled "An act making provisions for organizing and maintaining common schools," Mr. Ross in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Ross reported that the committee of the Whole Senate had, according to order, had said bill under consideration, and had directed him report the same back without amendment.

Mr. Allen moved that said bill be re-committed to the committee on School Lands and Education, with instructions that the bill be so amended that each township and school district shall receive of the Public funds a sum in proportion to the number of children under the age of 21 years;

Mr. Churchill moved to amend the motion so as to make it a motion to refer without instructions; which was not agreed to.

And on the question—"Shall said bill be referred to said committee with the proposed instructions?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Hacker, Hamlin, Harris, Harrison, Herndon, Houston, Hunter, James Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Warren, Witt and Wood—32.

Those voting in the negative, are,

Messrs. Churchill, Henry and Killpatrick—3.

Mr. Markley introduced a bill, entitled "An act declaring a certain road in Fulton county a State road;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Herndon,

The rule was dispensed with, said bill read a second time by its title and

*Ordered* to be engrossed for a third reading.

Mr. Allen introduced a bill, entitled "An act to prevent fraudulent judgments;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read a second time by its title and referred to the same select committee to which was referred a bill upon the same subject.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act fixing the time of holding circuit courts in the 1st judicial circuit"

"An act for the relief of the creditors of the late William Wernwag"

"An act for the relief of Elizabeth Hart;"

"An act authorizing the Governor to make a deed;"

"An act concerning the town of Belvidere;"

"An act in relation to free negroes and mulattoes;"

"An act to authorize the sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named;" and

"An act to provide for draining mill dams in the Mackinaw creek."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill of the following title, "An act to establish the county of Henderson;" And withdrew.

Mr. Stadden introduced a bill, entitled "An act for the benefit of a person therein named;" which was read, and

*Ordered* to a second reading.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 19, 1841.

Senate met pursuant to adjournment.

Mr. Moore presented a petition and remonstrance in relation to the division of Tazewell county, and,

On motion of Mr. Moore,

The reading was dispensed with, and referred to the committee on Counties.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled, a bill, entitled "An act to establish the county of Henderson."

And also that they have this day laid the same before the Council of Revision.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to incorporate the Farmers' Exporting Company," reported the same back without amendment;

*Ordered* to be engrossed and read a third time.

Mr. Wood, from the committee on Petitions, to which was referred the petition of Wm. C. Harris, asking compensation for services rendered in apprehending Parthena King, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to; and said petition was,

On motion of Mr. Richardson,

Laid on the table.

Mr. Richardson, from the committee on Elections, to which was referred the bill, entitled "An act fixing the manner of Congressional elections," reported the same back without amendment, and recommended its passage.

Mr. Hacker moved to lay said bill on the table; which was decided in the affirmative.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to amend the law in relation to chancery practice," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Little, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the town of Galesburg, in Knox county," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Monroe, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act in relation to the Charleston seminary and Jonesboro' college,'" approved February 3, 1840, reported the same back with an amendment; which was read and concurred in, and

Said bill, as amended, was

*Ordered* to be read a third time.

Mr. Nunnally, from the committee on Incorporations, to which was referred the bill, entitled "An act to incorporate the Greenville Hotel Company," reported the same back with sundry amendments thereto; which were severally read and concurred in.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Ralston, from the committee on the Judiciary, to which was referred the petition of sundry citizens of Witt county, praying an alteration in the law in relation to jurors, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to.

On motion of Mr. Parrish,

Said petition was laid on the table.

Mr. Killpatrick, from the select committee to which was referred the bill, entitled "An act to incorporate the trustees of the Winchester male and female common and preparatory schools," reported the same back with an amendment, which was concurred in, and

Said bill, as amended,

*Ordered* to be re-engrossed and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, in the passage of which they ask the concurrence of the Senate, viz:

"An act to vacate town plats;"

"An act changing a town plat therein named;"

"An act to prevent the unlawful driving away of cattle by drovers and others;"

"An act to amend an act, entitled 'An act in relation to the State Bank of Illinois,' approved January 31, 1840;

"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands to public purposes,' approved February 28, 1839;

"An act to incorporate the Marion Academy, in Williamson county;"

"An act to locate, alter, and re-locate certain State Roads."

They have concurred with the Senate in the passage of a bill for "An act to authorize the removal of the seat of justice of Adams county."

They have also concurred with the Senate in the passage of a bill for "An act to repeal an act, entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court, and also, to repeal a bill allowing a premium on wolf scalps,'" as amended by the House of Representatives.

In which amendments they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Fithian,

*Resolved*, That the President of the Canal Board be requested to lay before the Senate so soon as possible any late information in regard to the payment of interest upon canal bonds, which he may have received from New York or elsewhere.

Mr. Allen introduced a bill, entitled "An act providing that all taxes due and owing by persons in the several counties on lands lying in a dif-

ferent county than the one in which they may reside, may be paid to the collectors of the counties in which they live;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Allen,

Referred to the committee on Finance.

The engrossed bills, entitled

"An act concerning county seats and county lines;"

"An act to amend an act, entitled an act confirming grants of property made for the encouragement of education and other purposes," approved February 1, 1831;

"An act to incorporate the Bond county Academy;"

"An act to authorize the Madison county Ferry Company to construct a road or causeway;"

"An act to vacate a part of the town of Lowell;" and

"An act declaring a certain road in Fulton county a State road;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to designate the counties composing the third Judicial Circuit, and fixing the time of holding courts therein," was read the third time, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

The bill, entitled "An act to amend and explain the election law," approved January 10, 1829, was read the second time, and,

On motion of Mr. Moore,

Referred to the committee on Elections.

The bill, entitled "An act to locate a State road from Columbus to Houston, in Adams county," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to amend an act to incorporate the city of Springfield," approved February 3, 1840, was read the second time, and,

On motion of Mr. Baker,

Referred to the committee on the Judiciary.

The bill, entitled "An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county," was read the second time.

Mr. Johnston moved to amend said bill by adding the following, viz:

"That the county commissioners' court of Jefferson county be, and they are hereby authorized to make such alteration and relocation of that part of the Brownsville road, in said county, as the public good may seem to require, and as said court shall deem expedient; *Provided*, That no change of location shall be made at the county line;" which was agreed to, and said bill, as amended,

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to create Directors to the State Bank of Illinois in proportion to the State stock," was read the second time, and,

On motion of Mr. Richardson,

Referred to the committee on the Judiciary.

The bill, entitled "An act for the benefit of the persons therein named," was read the second time, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

The bills from the House of Representatives, entitled

"An act to vacate a part of the plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act for the location of a State road in the counties of Hamilton, Franklin, and Perry;"

"An act to change the name of a person therein named;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act to authorize the county commissioners of Christian county to borrow money;" and

"An act to provide for reviewing certain State roads;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act fixing the time of holding the circuit courts in the 1st judicial circuit;" was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, and said bill read the second time by its title, and referred to a select committee.

*Ordered*, That Messrs. Ross, Witt, and Henry, be that committee.

The bill from the House of Representatives, entitled "An act for the relief of Elizabeth Hart," was read, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, and said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to locate, alter, and re-locate certain State roads," was read, and

*Ordered* to a second reading.

On motion of Mr. Harris,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to incorporate the Marion Academy, in Williamson county," was read, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bills from the House of Representatives, entitled

"An act in relation to free negroes and mulattoes;"

"An act for the relief of the creditors of the late William Wernwag;"



"An act concerning the town of Belvidere;"

"An act to authorize the sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named;"

"An act to provide for draining mill dams on the Mackinaw creek."

"An act for a State road from Shawneetown to Vienna;"

"An act to amend an act, entitled 'An act in relation to the State Bank of Illinois,' " approved January 31, 1840;

"An act to vacate town plats;"

"An act changing a town plat therein named;" and

"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands to public purposes,' " approved February 28, 1839;

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act to prevent the unlawful driving away of cattle and other stock by drovers and others," was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

The bill contained in the message from the House of Representatives, entitled "An act to repeal an act, entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court, and also, to repeal a bill allowing a premium on wolf scalps,'" as amended by the House of Representatives, was read,

Mr. Ross moved to lay the same on the table; which was agreed to.

Mr. Speaker laid before the Senate a report from Josiah Lamborn, Attorney General of Illinois, in relation to the passage of certain laws; which was read, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

On motion of Mr. Stapp,

The resolution, some days since laid on the table, having for its object the levying of a tax for road purposes, was taken up and adopted.

On motion of Mr. Ralston,

The bill, some days since laid on the table, entitled "An act to amend the several acts in relation to State's Attorneys," was taken up;

Mr. Little moved to refer said bill to the committee on Elections; which was decided in the affirmative.

On motion of Mr. Ross,

The Senate resolved itself into a committee of the Whole for the purpose of taking into consideration the bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and lots and lease of water privileges for the payment of interest on the canal debt," together with the proposed amendment of the committee on Canals and Canal Lands to the same, Mr. Little in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and,

Mr. Little reported that the committee of the Whole Senate had, according to order, had said bill under consideration, and directed him to report the same back without amendment.

Mr. Gatewood moved to refer said bill and amendment to the committee on Canals and Canal Lands; which was decided in the affirmative.

On motion,

The Senate adjourned.

### WEDNESDAY, JANUARY 20, 1841.

Senate met pursuant to adjournment.

Mr. Slocumb presented the petition of sundry citizens of White county, praying for the removal of the mill-dams out of the Little Wabash river at Carmi and New Haven, and,

On motion of Mr. Slocumb,

The reading was dispensed with, and referred to the committee on Internal Navigation.

Mr. Richardson, from the committee on Elections, to which was referred the bill, entitled "An act to amend the several acts in relation to State's Attorneys," reported the same back without amendment, and recommended its passage.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Davidson, Feaman, Fithian, Gatewood, Herndon, James, Killpatrick, Ralston, Richardson, Ross, Slocumb, Stapp and Witt—15.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, Hamlin, Harris, Henry, Houston, Hunter, Johnston, Little, Markley, Nunnally, Parrish, Pearson, Sargent, Stadden, Warren and Wood—18.

Mr. Ross, from the select committee, to which was referred the bill from the House of Representatives, entitled "An act fixing the time of holding the circuit courts in the first Judicial Circuit," reported the same back without amendment, and recommended its passage.

*Ordered to a third reading.*

On motion of Mr. Ross,

The rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved*, That the Governor be and he is hereby requested to communicate to the Senate copies of all letters received by him from the Fund Commissioner, in relation to the payment of interest on State Bonds which became due in January, 1841, and such other information as may be in the possession of the Governor, on this subject; and whether in the opinion of the Governor the law authorizing the hypothecation of State Bonds, which received the sanction of the present session of the Legislature, providing for the payment of interest on our present debt, has been complied with by the Fund Commissioner in the hypothecation of such bonds; and that he further be requested to communicate to the Senate if in his opinion the faith and credit of the State can longer be maintained without the further action of the Legislature at its present session, in providing the means for the payment of interest hereafter to become due; and whether, without the necessity of calling the Legislature together for that purpose for the current and succeeding years, the interest on our debt can be met; and if in his opinion action upon the part of the present session of the Legislature is unnecessary, what means are to be relied upon for the payment of interest to become due in July, 1841, and January and July, 1842; and that he be requested to communicate such other facts connected with this subject as may be in his possession.

And also, that he be requested to inform the Senate, specifically, whether, by his message to the Legislature at its called session in November, 1840, he intended to recommend the increase of our banking capital or direct taxation, and which of these two plans he would in his wisdom prefer, and if both are impracticable, what other plan or plans he would recommend in lieu thereof.

And also, to what use, if within his knowledge, the \$50,000 said to have been deposited in the United States Bank by Judge Young has been appropriated, and whether in his opinion said Bank is a safe depository for the public funds of this State, and by what authority such deposit was made; and whether or not all laws on the subject of the canal does not require all moneys, either for interest or principle, connected with that work, to be deposited in some one of the Banks of the State of Illinois. *And whereas* a part of the foregoing information having been asked for by a resolution directed to the committee on Finance, and that committee having failed to answer said resolution, it is deemed expedient to call on the Governor for such information.

Mr. Davidson moved to amend said resolution by striking out all after the word subject, in the 8th line; which was agreed to, and

Said resolution, as amended, was adopted.

The engrossed bills, entitled

"An act to incorporate the Greenville Hotel Company;"

"An act to incorporate the trustees of the Winchester male and female common and preparatory schools;"

"An act to locate a State road from Columbus to Houston, in Adams county;" and

"An act to incorporate the Farmer's Exporting Company;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county," was read the third time.

Mr. Johnston moved to amend said bill by adding the following as a proviso, viz:

"*And provided further*, That no such change, alteration, or relocation shall be made in any part of the said Brownsville road, unless notice thereof shall be given, and petition therefor shall be given as is required in other cases;" which was agreed to.

And on the question—"Shall said bill pass, as amended?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary and Jonesboro' College,'" approved February 3, 1840, was read the third time, as amended, and passed.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to incorporate the town of Galesburg, in Knox county," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend the law in relation to chancery practice," was read the third time.

Mr. Gatewood moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act in relation to free negroes and mulattoes," was read the second time, and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act authorizing the Governor to make a deed," was read the second time, and,

On motion of Mr. Gatewood,

Referred to the committee on Internal Improvements.

The bills from the House of Representatives, entitled

"An act to provide for draining mill-dams on the Mackinaw creek;" and

"An act for the relief of the creditors of the late William Wernwag;"

Were severally read the second time, and referred to the committee on Counties.

The bill from the House of Representatives, entitled "An act for a State road from Shawneetown to Vienna," was read the second time, and *Ordered* to a third reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act concerning the town of Belvidere;" and

"An act to authorize the sheriff of Gallatin to make a deed to Daniel Wood for a tract of land therein named;"

Were severally read the second time, and

*Ordered* to a third reading.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of a resolution, having for its object, granting to A. Bielaskie the loan of the map of the State of Illinois, drafted by him, for the purpose of publishing the same, &c.

They have also concurred with the Senate in the adoption of a memorial to Congress in favor of establishing a Marine Hospital in the city of Cairo, in the county of Alexander.

They have also concurred with the Senate in the passage of a bill, for "An act to build a bridge across Macoupin creek, in Greene county." And he withdrew.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act in relation to the State Bank of Illinois,'" approved January 31, 1840, was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

On motion of Mr. Gatewood,

The vote just taken on referring said bill was re-considered;

Whereupon,

Mr. Ross withdrew his motion,

Mr. Monroe moved that the further consideration of said bill be indefinitely postponed;

Mr. Pearson moved to amend the same by adding the following, viz:

"*Provided*, That Wm. H. Brown be not the Cashier of said Branch."

Mr. Stadden moved to lay said bill and proposed amendment on the table; which was decided in the affirmative.

Mr. Johnston, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills report as correctly enrolled, a bill for "An act to authorize the removal of the seat of justice of Adams county;"

And also, that they have this day laid the same before the Council of Revision.

On motion,

The Senate adjourned.

THURSDAY, JANUARY 21, 1841.

Senate met pursuant to adjournment.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled, a bill for "An act to build a bridge across Macoupin creek, in Greene county."

And also, that they have this day laid the same before the Council of Revision.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act for the relief of Elizabeth Hart," reported the same back with a lengthy report in writing, in which they recommend the rejection of said bill;

And on the question—"Shall said bill be read a third time?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Ralston, from the same committee to which was referred a bill entitled "An act in relation to the public square in the original town of Ottawa," reported the same back without amendment.

Mr. Stadden moved to amend said bill by adding the following as an additional section:

**SEC. 3.** *Be it further enacted*, That the county commissioners' court of La Salle county be, and they are hereby, authorized to employ a competent person to make a complete index to the records in the recorder's office of said county. There shall be an index of the names of the grantors and of the grantees, and also, of the tracts or parcels of land; and the recorder of said county, after said index or indexes shall be so made, is hereby required to keep the same in that manner without additional compensation. The said person, so employed, shall take an oath faithfully to perform the duties herein required of him, which may be taken before the clerk of the county commissioners' court, and shall be filed in the office of said clerk. The county commissioners' court is hereby authorized to pay the person so to be employed, a reasonable compensation out of any money in the treasury of said county not otherwise appropriated; which was agreed to and said bill, as amended,

*Ordered* to be engrossed and read a third time.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Pisgah Academy," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Johnston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to amend an act to incorporate the city of Springfield," approved February 3, 1840, reported the same back without amendment, and recommended its passage.

Mr. Baker moved to lay the same on the table; which was decided in the affirmative. ✓

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Feaman, Fithian, Hamlin, Harris, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Monroe, Ross, Sargent, Stapp and Warren—18.

Those voting in the negative, are,

Messrs. Evans, Gaston, Herndon, James, Johnston, Markley, Nunally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Witt and Wood—15.

Mr. Pearson, from the same committee, to which was referred the bill, entitled "An act to provide means for the endowment of an Hospital in Galena," reported the same back with an amendment; which was concurred in.

Mr. Ralston moved that the further consideration of said bill be indefinitely postponed.

Mr. Little moved to lay said bill on the table; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill, entitled "An act to legalize certain acts of the clerk of the circuit court of Coles county. And he withdrew.

Mr. Nuunally, from the committee on Public Roads, to which was referred a bill from the House of Representatives, entitled "An act to prevent the unlawful driving away of cattle and other stock, by drovers and others," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to a third reading.

Mr. Ralston, from the committee on the Judiciary, to which was referred a resolution in relation to the expediency of requiring the treasurer of each county to make an assessment of all property therein, reported the same back, and asked to be discharged from the further consideration of the subject.

Mr. Davidson moved to refer said resolution to the committee on Finance, with instructions to report a bill providing that the county commissioners' court of each county in the State, shall appoint one competent person to assess all the property in their respective counties; which was agreed to.

Mr. Little, from the same committee, to which was referred a bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," reported the same back with an amendment;

And on the question—"Will the Senate concur with the committee in their amendment to the bill?"

It was decided in the negative.

Mr. Ralston moved to amend said bill by adding the following to the seventh section of the same, viz:

"So soon as the same shall have been paid for, as herein before provided for;" which was not agreed to.

Mr. Ralston moved to further amend said bill as follows, viz:

Amend the 4th section by adding the following:

*"Provided, That whenever the nett profits arising to the said Samuel M. Bownan, his heirs or assigns, on the expenditures herein authorized to be made, shall exceed 8 per cent. on the whole amount expended, then and in that case, the Legislature shall have the right to reduce and regulate the toll herein authorized to be received."*

After the word "nature," in the ninth line of the 5th section, add the following:

*"Or a forfeiture on the part of the said Samuel M. Bowman, his heirs or assigns, to commence the erection of the said dam, and to expend thereon the sum of twenty thousand dollars within two years from the passage of this act."*

Amend the sixth section, 8th line, by striking out the word "seven" and insert "six."

Further amend same section by striking out all after the word "and" in the 8th line, and before the word "dam" in the 12th line.

Further amend same section in the seventh line by striking out the word "sixty," and inserting in lieu thereof the word "thirty."

Further amend same section by inserting in the 7th line after the word "same" the following:

*"Deducting therefrom the nett profits derived from the same."*

Mr. Evans moved to lay said bill and the proposed amendments on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Fithian, Gaston, Harris, Houston, James, Little Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocum and Wood—16.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Gatewood, Hacker, Hamlin, Harrison, Henry, Hunter, Johnston, Killpatrick, Monroe, Ross, Sargent, Stadden, Warren and Witt—19.

Mr. Parrish moved a call of the Senate; which was granted, and after some time spent therein,

Mr. Davidson moved to dispense with the further call of the Senate which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden and Warren—21.

Those voting in the negative, are,

Messrs. Evans, Gaston, Harris, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston and Wood—11.

Mr. Baker moved the previous question.

Mr. Parrish moved a call of the Senate; which was ordered, and after some time spent therein,

Mr. Davidson moved that the further call of the Senate be now dispensed with; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Hunter



Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden, Warren and Witt—22.

Those voting in the negative, are,

Messrs. Evans, Gaston, Harris, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston and Wood—11.

Mr. Parrish moved that the Senate now adjourn until two o'clock; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston and Wood—14.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden, Warren and Witt—19.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hamlin, Harrison, Henry, Hunter, Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden and Warren—18.

Those voting in the negative, are,

Messrs. Evans, Gaston, Harris, Herndon, Houston, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Witt and Wood—15.

And on the question—"Shall said bill be read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Gatewood, Hacker, Hamlin, Harrison, Henry, Hunter, Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden, Warren and Witt—19.

Those voting in the negative, are,

Messrs. Evans, Fithian, Gaston, Harris, Herndon, Houston, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson and Wood—14.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 22, 1841.

Senate met pursuant to adjournment.

On motion of Mr. Johnston,

Leave of absence was granted to Mr. Wood for the space of ten days. Mr. Parrish presented the petition of 135 citizens of Williamson and Blount counties, praying for a State road, and,

On motion of Mr. Parrish,

The reading was dispensed with, and referred to the committee on Public Roads.

Mr. Richardson presented the petition of E. Carter and others citizens

of Schuyler county, praying that justices and constables be confined to their respective districts, and for other purposes; which was read, and,

On motion of Mr. Richardson,

Referred to the committee on Counties.

On motion of Mr. Ross,

The order of business was suspended,

Whereupon,

On the further motion of Mr. Ross,

*Ordered*, That the Secretary of the Senate report to the House of Representatives a duplicate message containing the resolution of the Senate fixing the ratio of representation upon the late census, as amended by the House of Representatives, and the disagreeing vote of the Senate to said amendment.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have indefinitely postponed a bill for "An act to vacate a part of the town of Lowell."

They have concurred with the Senate in their amendments to a bill, for "An act in relation to a road therein named."

They have concurred with the Senate in the adoption of a resolution for the election of a Fund Commissioner, as amended by them.

They have amended the resolution by striking out all after the word "Resolved," and inserting "the Senate concurring herein, that the General Assembly of this State shall meet in the Hall of the House of Representatives on the 23d inst., at two o'clock, P. M., for the purpose of electing an Auditor of Public Accounts, a Treasurer, one Fund Commissioner, a Public Printer, and State's Attorneys for the 2d, 4th and 5th Judicial Circuits.

The House of Representatives have receded from their amendments to Senate bill, for "An act to charter a female academy in Marion county."

They have concurred with the Senate in the adoption of a resolution proposing to instruct our Senators and request our Representatives in Congress in relation to redemption of Continental paper.

They have also concurred with the Senate in their amendments to a bill for "An act to incorporate the town of Macomb."

They have indefinitely postponed the bill from the Senate, entitled "An act to insure the payment of a bounty on wolf scalps." And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled, a bill for "An act to legalize certain acts of the Clerk of the Circuit Court of Cook county."

And also, that they have this day laid said bill before the Council for Revision.

Mr. Pearson, from the committee on the Judiciary, to which was referred the bill, entitled "An act regulating evidence in certain cases," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill from the House of Representatives, entitled "An act to locate, alter and re-locate certain State roads," reported the same back with sundry amendments; which were severally read and concurred in.

*Ordered* to a third reading, as amended.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of sundry citizens of Jasper and other counties in relation to the location of a State road, reported a bill, entitled "An act to establish a State road from York, in Clark county, to Waterton, in Clay county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved,* That the Senate be respectfully notified by the Clerk of this House, that if any message has been received from the Senate, on the disagreeing vote of the two Houses on the apportionment resolution, the same has been lost or mislaid: a copy of the order of the Senate on this subject, is requested for the action of this House. And he withdrew.

Mr. Moore, from the committee on School Lands and Education, to which was referred the bill, entitled "An act making provisions for organizing and maintaining common schools," reported the same back with sundry amendments; which were severally read and concurred in.

Mr. Hamlin moved to amend said bill by adding the following, as an additional section, viz:

**SEC.** If any vacancy shall occur in the office of school trustee, in any township in this State, it shall be the duty of the treasurer of the township, to give notice to the legal voters of the township by putting up written notices in three of the most public places in the township, that an election will be held to fill such vacancy; said notices shall be put up at least two weeks before the day fixed for such election; the said notices to designate the time, when and place where such election will be held; which was decided in the affirmative.

Mr. Churchill moved further to amend said bill by striking out the words "district trustees," whenever they occur, and insert the words "school rectors" in lieu thereof; which was agreed to.

Mr. Allen moved to fill the blank in said bill with the word "twelve."

Mr. Parrish moved to fill the blank with "ten."

Mr. Ross moved to insert "six."

And the question being first taken on filling the blank with the word "twelve;"

It was not agreed to.

The question then being taken on filling the blank with "ten;"

It was decided in the affirmative.

And said bill, as amended, was

*Ordered* to be engrossed and read a third time.

On motion of Mr. Harrison,

*Resolved*, That the resolutions, together with the report of the select committee appointed by the Senate to examine into the contract and act of the Commissioner of the 6th judicial district, in relation to the improvements of the Upper Rapids of Rock river, some days since made, be referred back to said committee with instructions to re-examine the same and report to the Senate the result of such examination, and that the House of Representatives be requested to return to the Senate the resolution and report above referred to, for the further action of the Senate on this subject.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker*: I am directed by the Council of Revision to inform the Senate that they have approved of a bill, entitled "An act to build a bridge across Macoupin creek, in Greene county." And he withdrew.

Mr. Killpatrick moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein* That the joint select committee appointed to apportion the representation of this State be, and they are hereby, instructed to take as a data of such apportionment the census as taken by the agents appointed by the Marshal of the State for the counties of Morgan and Greene.

Mr. Churchill moved to amend by adding the words "and Madison."

Mr. Herndon moved to lay said resolution, and the proposed amendment, on the table; which was decided in the affirmative.

On motion of Mr. Parrish,

*Resolved*, That the Canal Commissioners report to the Senate, as soon as practicable the amount of funds necessary to complete the canal from the Illinois river to the level of the Du Page feeder; and, with funds in hand, the earliest day at which that part of the work could be put in operation.

On motion of Mr. Fithian,

*Resolved*, That the committee on Finance be requested to inquire whether it would or would not lessen the cost of collecting the revenue of this State to require the collectors of the several counties to spend a certain number of days at each election precinct in their respective counties for the purpose of receiving the taxes due from the residents thereof, and dispensing with the necessity of each collector visiting the residence of each tax payer in his county, and that they report by bill or otherwise.

Mr. Herndon moved the adoption of the following preamble and resolutions, viz:

*Whereas*, The late report of the railroad agent, John D. Whiteside shows that the sum of three hundred and seventeen thousand dollars has been expended upon that part of the Northern Cross railroad which lies between Springfield and Jacksonville, and that it will take about one hundred and thirty-five thousand dollars to complete the same, including iron which has already been procured; *And whereas*, it will be bad policy upon the part of the State, to permit this part of the Northern Cross railroad to remain unfinished, when so large a proportion of its cost has already been expended; *Therefore*,

*Resolved*, That the committee on Internal Improvements be instructed to report a bill, at an early day, providing ways and means for its completion, upon some one of the following conditions, viz:

1st. That the State complete the same; that special bonds be issued, bearing any interest not exceeding eight per cent. per annum, to be designated Northern Cross railroad bonds; that said bonds be sold to raise the means for the completion of said work, and that the tolls derived from the use of so much of the Northern Cross railroad, aforesaid, as lies between Meredosia and Springfield, be set apart to pay interest upon said bonds, and for their final liquidation; or,

2d. That should the committee believe it entirely incompatible with the interest of the State to undertake to complete the aforesaid railroad, they will then report a bill, giving to the counties of Sangamon and Morgan jointly, or either of them, the right to complete the same, to give them, or either of them, the power to borrow money for that purpose. That the said counties of Sangamon and Morgan, or either of them, have full control of said railroad until they, or either of them shall have received from the proceeds of the same a sufficient amount to reimburse principal and interest to be expended by them, or either of them, in completing the same, and for twelve months thereafter, the State reserving the right to take possession of the same at any time after five years, by paying principal and interest, so expended by said counties, or either of them; or

3d. Should the committee find the second proposition, in their judgment, to be impracticable, that they then report a bill giving the right to a private company to complete the same upon just and equitable conditions, both to the State and company. That the committee provide by bill, should the State be unable to procure means, by sale of bonds, within three months after the adjournment of the General Assembly, for completing said railroad, then the counties of Sangamon and Morgan, or either of them, may take the same upon the conditions provided above: should the counties, above mentioned, not be able or willing to undertake its completion, then give to a private company the same rights and privileges as the counties of Sangamon and Morgan would have had, should the said counties, or either of them, have had conferred upon them, or either of them, the right to complete said railroad, and been unwilling or unable to undertake and complete the same, and in that event, that the said counties shall, within six months from the adjournment of the General Assembly, give public notice of their inability or unwillingness—that if the person or persons, empowered by this General Assembly to negotiate a loan upon the Northern Cross railroad bonds, should be unable to procure the means from sale of the same necessary to complete said portion of the Northern Cross railroad within three months after the adjournment of the General Assembly, he, or they, so appointed, shall give public notice of the same.

Mr. Baker moved to amend said resolutions, by striking out the words "committee on Internal Improvements," and insert "joint select committee of five," in lieu thereof; which was agreed to.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The question recurring on the question pending at the time of adjournment, which was upon the adoption of the preamble and resolutions proposed by Mr. Herndon, as amended,

Mr. Little moved to further amend the same, by striking out so much of the first proposition as relates to the State.

Mr. Monroe moved to amend by striking out all after the word "Resolved," and insert the following, viz:

"That the committee on Internal Improvements be instructed to report a bill with such provisions as they may deem best adapted to insure the completion of the railroad from Springfield to Jacksonville.

Mr. Gatewood moved to lay said resolutions and the proposed amendments on the table; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30, 1840, as amended by them.

In the adoption of which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Richardson introduced a bill, entitled "An act to authorize school commissioners to purchase property in certain cases;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on School Lands and Education.

Mr. Ross introduced a bill, entitled "An act for the relief of J. D. Morrison, late collector of Pike county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, and referred to the committee on the Judiciary.

Mr. Monroe introduced a bill entitled "An to prevent the increase of the State debt;" which was read, and

*Ordered* to a second reading.

Mr. Monroe moved to dispense with the rule, and that said bill be now read the second time by its title; which was not agreed to.

On motion of Mr. Hacker,

The order of business was suspended,

And the resolution contained in the message from the House of Representatives, in relation to the election of certain officers, as amended by them, was taken up.

Mr. Richardson moved to amend the amendment by striking out the words "twenty-third," and insert "twenty-sixth," in lieu thereof.

Mr. Cullom called for a division of the question.

And the question being first taken on striking out,

It was decided in the negative.

Mr. Ralston moved to amend the amendment by striking out the words "and fifth;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Gaston, Hamlin, Harris, Harrison, Houston, Hunter, James, Johnston, Markley, Nunnally, Parrish, Ralston, Richardson, Stapp, and Witt—16.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hacker, Henry, Herndon, Killpatrick, Little, Monroe, Moore, Ross, Sargent, Slocumb, Stadden, and Warren—19.

And on the question—"Will the Senate concur with the House of Representatives in their amendment to said resolution?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives hereof.

Mr. Monroe moved further to suspend the order of business; which was agreed to.

Whereupon,

Mr. Monroe moved to reconsider the vote taken on yesterday, on ordering to a third reading the bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Feaman, Gaston, Harris, Houston, Hunter, James, Johnston, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, and Witt—18.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Herndon, Killpatrick, Ross, Sargent, Slocumb, Stadden, Stapp, and Warren—17.

And on the question—"Shall said bill be read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Gatewood, Hacker, Hamlin, Harrison, Henry, Killpatrick, Monroe, Ross, Sargent, Slocumb, Stadden, Stapp, and Warren—18.

Those voting in the negative, are,

Messrs. Allen, Fithian, Gaston, Harris, Herndon, Houston, Hunter, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, and Witt—18.

And there being a tie, Mr. Speaker voted in the affirmative.

Mr. Herndon introduced a bill, entitled "An act to incorporate the Springfield Marine and Fire Insurance Company;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Herndon,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Incorporations.

Mr. Allen introduced a bill, entitled "An act relative to road labor;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gaston,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Public Roads.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, the memorial to Congress in favor of establishing a marine hospital at the city of Cairo, in the county of Alexander.

Also, a bill entitled "An act to charter a female academy in Marion county."

And that they have this day laid said bill before the Council of Revision.

On motion,

The Senate adjourned.

### SATURDAY, JANUARY 23, 1841.

Senate met pursuant to adjournment.

Mr. Markley presented the petition of 405 citizens of Fulton county, praying for an alteration of the law regulating the jurisdiction of justices of the peace, and,

On motion of Mr. Markley,

The reading of the same was dispensed with, and said petition referred to the same select committee to whom previously had been referred a petition on the same subject.

Mr. Harrison presented the remonstrance of the county commissioners of Lec county, in relation to the tax of 1839, with accompanying documents, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on Finance.

Mr. Stadden presented the petition of sundry citizens, in relation to the practice of medicine in this State; which was read, and,

On motion of Mr. Stadden,

Referred to the committee on the Judiciary.

Mr. Parrish presented the petition of sundry citizens of Franklin county, praying relief for the sheriff of said county, and,

On motion of Mr. Parrish,

The reading of the same was dispensed with, and referred to the committee on Finance.

On motion of Mr. Gaston,

*Resolved*, That the President of the State Bank of Illinois be requested to inform the Senate whether there is any contract made by him or any officer of the Bank, for a banking house or building for the use of said bank, and if so, how much such building will cost by the contract so made, or in the opinion of the President what will be its cost, from any plan marked out by the Bank officers; specifying the lot upon which said



house is to be built, the owner or owners of said house and lot, and if owned by different persons, the relation and amount of such ownership by the different owners thereof.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved*, That the Public Printer report to the Senate the cost to the State for printing one thousand copies of the report of the committee on Canals and Canal Lands including paper, composition, press work, and folding and stitching; also the cost of furnishing to the Senate one thousand copies of the report of the committee on Internal Improvements, made January 11, 1841, including paper, composition, press work, and folding and stitching.

Mr. Pearson moved to amend the same by adding the following, viz:

"And the cost of all other documents ordered to be printed by the Senate at this session, before the adjournment of the General Assembly;" which was decided in the affirmative.

And said resolution, as amended, was adopted.

Mr. Speaker laid before the Senate a report from the Governor, made in pursuance of a resolution of the Senate, containing the correspondence between him and R. F. Barrett, Fund Commissioner, and R. M. Young, Canal agent, in relation to the payment of the January interest; which was read.

Mr. Little moved the adoption of the following order:

*Whereas*, it appears from the tenor of certain letters this day communicated to the Senate by the Governor, in pursuance of a resolution of the Senate to that effect, from Richard F. Barrett, Fund Commissioner, that they are of a private nature, and not designed for the public eye, they are therefore respectfully returned to the Governor, who, in the opinion of this Senate, is rightfully entitled to the custody of the same.

Mr. Hacker moved to lay said report and the proposed order on the table.

Mr. Davidson moved to amend the motion, so as to exclude the same from being published in the volume of reports.

Mr. Hacker called for a division of the question.

And the question being first taken on laying on the table,

It was decided in the affirmative.

Mr. Davidson moved the adoption of the following order, viz:

*Ordered*, That the correspondence of R. F. Barrett and R. M. Young, this day communicated to the Senate by the Governor, be not printed in the volume of reports; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hamlin, Herndon, Little, Monroe, Moore, Pearson, Ross, and Stapp—15.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, Harris, Henry, Hunter, James, Johnson, Markley, Nunnally, Parrish, Ralston, Richardson, Sargent, Slocumb, Tadden, Warren, and Witt—18.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they are now ready to receive them in the Hall of the House to proceed to the election of an Auditor of Public Accounts, a Treasurer, one Fund Commissioner, and Public Printer, and State's Attorneys for the 2d, 4th, and 5th Judicial Circuits.

Whereupon, the Senate, preceded by their Speaker, repaired to the Hall of the House of Representatives, and the two Houses proceeded to vote for an Auditor of Public Accounts; when the vote stood thus:

For James Shields—71.

For Levi Davis—53.

Those who voted for Mr. Shields, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bently, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurkin, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. Davis, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, Sargent, and Stapp, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denney, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minsham, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkel, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—53.

James Shields, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Auditor of Public Accounts for the State of Illinois.

The two Houses then proceeded to vote for Treasurer, and the vote being taken, stood thus:

For Milton Carpenter—71.

For Enoch Moore—51.

For John Moore—1.

Those who voted for Mr. Carpenter, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, R

ston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelley, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurkin, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. E. Moore, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermillion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson, of the House of Representatives—51.

Mr. Stapp, of the Senate, voted for John Moore—1.

Milton Carpenter, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Treasurer of the State of Illinois.

The two Houses then proceeded to the election of Fund Commissioner, and the vote being taken, stood thus:

For John D. Whiteside—68.

Scattering—53.

Those who voted for Mr. Whiteside, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Hacker, Harris, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Ralston, Richardson, Slocumb, Stadden, and Warren, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Humphrey, Kelley, Kitchell, Laughlin, Leary, Lester, McClernand, McClurkin, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—68.

Messrs. Baker, Churchill, and Monroe, of the Senate, and Messrs. Archer, Baily, Bradford, Brown, of Sangamon, Drummond, Francis, and McLean, of the House of Representatives, voted for Mr. Barrett—10.

Messrs. Cullom, Henry, and Stapp, of the Senate, and Mr. Beall, of the House of Representatives, voted for Mr. Williams—4.

Mr. Fithian, of the Senate, and Mr. Cunningham, of the House of Representatives, voted for Mr. Munsell—2.

Mr. Witt, of the Senate, and Messrs. Busey and Dunlap, of the House of Representatives, voted for A. W. Snyder—3.

Messrs. Hamlin and Harrison, of the Senate, voted for W. F. Thornon—2.

Mr. Little, of the Senate, voted for John Doe—1.

“ Ross, of the Senate, voted for Gov. Duncan—1.

“ Sargent, of the Senate, voted for M. Stacy—1.

Messrs. Hardin, Munsell, Phelps, and Woodson, of the House of Representatives, voted for Mr. Davis—4.

Messrs. Darnielle and Hull, of the House of Representatives, voted for Joseph Duncan—2.

Messrs. Edwards and Gillespie, of the House of Representatives, voted for Mr. Grigg—2.

Mr. Bennett, of the House of Representatives, voted for Mr. Grimsley—1.

Mr. Brown, of Vermilion, of the House of Representatives, voted for Mr. Fithian—1.

Mr. Canady, of the House of Representatives, voted for Mr. Archer—1.

Mr. Charles, of the House of Representatives, voted for Wm. Ross—1.

Mr. Cox, of the House of Representatives, voted for Wm. Thomas—1.

Mr. Denny, of the House of Representatives, voted for Richard Roe—1.

Mr. Emmerson, of the House of Representatives, voted for Mr. Froman—1.

Mr. Froman, of the House of Representatives, voted for Mr. Canady—1.

Mr. Funk, of the House of Representatives, voted for Mr. Hardin—1.

Mr. Gridley, of the House of Representatives, voted for John Tillson Jr.—1.

Mr. Henderson, of the House of Representatives, voted for Mr. Penn—1.

Mr. Lincoln, of the House of Representatives, voted for Nick Biddle—1.

Mr. Menard, of the House of Representatives, voted for Tom Carlin—1.

Mr. Minshall, of the House of Representatives, voted for Bob Glenn—1.

Mr. Parkinson, of the House of Representatives, voted for N. Cloud—1.

Mr. Phillips, of the House of Representatives, voted for Mr. Emmerson—1.

Mr. Thornton, of the House of Representatives, voted for Mr. Newhall—1.

Mr. Threlkeld, of the House of Representatives, voted for Daniel Webster—1.

Mr. Troy, of the House of Representatives, voted for Wm. Conn—1.

Mr. Webb, of the House of Representatives, voted for Mr. Gillespie—1.

Mr. West, of the House of Representatives, voted for Mr. Charles—1.

John D. Whiteside, having received a majority of all the votes given was, by the Speaker of the House of Representatives, declared duly elected Fund Commissioner of the State of Illinois.

The two Houses then proceeded to the election of Public Printer, and the vote being taken, stood thus:

For William Walters—70.

For Simeon Francis—50.

For S. H. Davis—3.

Those who voted for Mr. Walters, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson,

Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurkin, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Francis, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—50.

Those who voted for S. H. Davis, are,

Mr. Stapp, of the Senate, and

Messrs. Menard and Phelps, of the House of Representatives—3.

William Walters having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected Public Printer of the State of Illinois.

The two Houses then proceeded to the election of a State's Attorney for the second Judicial Circuit, and the vote being taken, stood thus:

For W. H. Underwood—70.

For Wm. S. Lincoln—51.

Those who voted for Mr. Underwood, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Lincoln, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, Sargent, and Stapp, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—51.

W. H. Underwood having received a majority of all the votes given,

was declared by the Speaker of the House of Representatives, duly elected State's Attorney for the second Judicial Circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney for the fourth Judicial Circuit, and the vote being taken, stood thus:

For Aaron Shaw—71.

For Jacob Hardin—47.

Scattering—3.

Those who voted for Mr. Shaw, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Toney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. Hardin, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Hull, Lincoln, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—47.

Mr. Stapp, of the Senate, voted for Mr. Ficklin—1.

Messrs. Gillespie and Menard, of the House of Representatives, voted for Mr. Webb—2.

Aaron Shaw having received a majority of all the votes given, was declared by the Speaker of the House of Representatives duly elected State's Attorney for the fourth Judicial Circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney for the fifth Judicial Circuit, and the vote being taken, stood thus:

For William Elliott, jr.—70.

For William Perkins—47.

Scattering—1.

Those who voted for Mr. Elliott, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee,

Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Perkins, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Little, and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—47.

Mr. Stapp, of the Senate, voted for Mr. Hutchinson—1.

William Elliott having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected State's Attorney for the fifth Judicial Circuit of the State of Illinois;

Whereupon, the Senate returned to their chamber, and,

On motion,

The Senate adjourned.

## MONDAY, JANUARY 25, 1841.

Senate met pursuant to adjournment.

On motion of Mr. Allen,

Leave of absence was granted to Mr. Harris for the space of three days.

Mr. Richardson presented the petition of sundry citizens of Schuyler county, to confine the jurisdiction of justices of the peace, and for other purposes, and,

On motion of Mr. Richardson,

The reading was dispensed with, and said petition was referred to the same select committee to which several petitions on the same subject had previously been referred.

Mr. Snyder presented the petition of the inhabitants of the village of Cahokia, in St. Clair county, praying for the passage of a law authorizing them to lease part of their commons for the benefit of schools, and,

On motion of Mr. Snyder,

The reading was dispensed with, and referred to the committee on the Judiciary.

Mr. Moore, from the committee on Counties, to which was referred several petitions and remonstrances of the citizens of Taxewell county, in relation to the division of the same, and also, a bill, entitled "An act to create the county of Vernon," reported the same back, and recommended the rejection of said bill.

Mr. Cullom moved that the further consideration of the same be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Hacker, Hamlin, Harrison, Herndon, James, Johnston, Little, Markley,

Monroe, Moore, Nunnally, Parrish, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stapp, Warren and Witt—28.

Nays—none.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act in relation to practice in courts of law and equity," reported the same back with an amendment; which was concurred in, and said bill

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Little, from the committee of conference, appointed on the disagreeing vote of the two Houses, upon the amendment of the House to the resolution of the Senate having for its object the revision of the laws of this State, reported that, according to order, they have had the same under consideration, and have agreed that the said resolution of the Senate shall be so modified as to read as follows:

*Resolved*, That the Attorney General and Secretary of State be required to make a digest of all the laws of this State of a general nature which may be in force at the close of the present session of the General Assembly, said digest to be accompanied by a full and correct index thereof; and that they present the same at the commencement of the next session of the General Assembly, for their approval or rejection.

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Little moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein* That no new business shall be introduced at the present session of this General Assembly after the first day of February next, and that this General Assembly adjourn *sine die* on the fifteenth day of February next, ensuing.

Mr. Johnston called for a division of the question.

And the question being first taken on that portion of the resolution in relation to the receiving no new business after the 1st of February,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Harrison, Johnston, Little, Monroe, Nunnally, Ross, Sargent, Stapp, Warren, and Witt—18.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Herndon, Hunter, James, Markley, Moore, Parrish, Ralston, Richardson, Slocumb, Snyder, and Stadden—14.

And the question then being taken on the remaining portion of the resolution,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Harrison, Hunter, James, Little, Monroe, Parrish, Ross, Sargent, Stapp, Warren, and Witt—20.



Those voting in the negative, are,

Messrs. Evans, Gaston, Herndon, Johnston, Markley, Moore, Nunnally, Ralston, Richardson, Slocumb, Snyder and Stadden—12.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the resolution adopted by them in relation to the return of a resolution and report of a select committee on the part of the Senate appointed to inquire into the acts and doings of the Commissioner of the 6th Judicial Circuit; which are herewith returned.

I am also directed to inform the Senate that they have refused to recede from their amendment to the Senate resolutions in relation to the appointment of representation of the State of Illinois. And he withdrew.

Mr. Richardson moved the adoption of the following preamble and resolutions, viz:

*Whereas*, The Constitution of the United States secures to each State in this Union the right to regulate its domestic relations: Therefore,

*Resolved*, That we regard every attempt made by abolitionists to excite the slave against the master either in the States, Territories, or the District of Columbia, as an act of hostility to the Constitution of the General Government and our free institutions.

*Resolved*, That we regard the recent World's Convention, in London, as an attempt upon the part of British subjects to interfere in the domestic relations of our people, and ought to be met upon our part, as an indignity, and an insult to every patriot of this land; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Hacker, Hamlin, Harrison, Herndon, Hunter, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—29.

Those voting in the negative, are,

Messrs. Baker, Churchill, and Little—3.

On motion of Mr. Ross,

The order of business was suspended;

Whereupon,

Mr. Ross moved that a committee of conference be appointed upon the disagreeing vote of the two Houses in relation to the amendment of the House of Representatives to the resolution of the Senate, on the appointment of the representation in this State; which was agreed to.

*Ordered*, That Messrs. Ross, Moore, and Hacker, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Hamlin moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, that the two Houses will meet in the Hall of the House of Representatives, on Tuesday the 26th inst., at two o'clock, P. M., and proceed to

the election of one President of the Board of Canal Commissioners, one Acting Commissioner, and one Treasurer of the said Board of Canal Commissioners.

Mr. Stadden moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Herndon, Hunter, James, Johnston, Moore, Nunnally, Parrish, Ralston, Richardson, Slocumb, Snyder, and Stadden—15.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Little, Markley, Monroe, Ross, Sargent, Stapp, Warren, and Witt—17.

And the question being taken on the adoption of the resolution,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Little, Ross, Sargent, Stapp, Warren, and Witt—14.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Hacker, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, Slocumb, Snyder, and Stadden—17.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Monroe,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of reporting a bill repealing the law in regard to the mode of summoning grand and petit jurors, and authorizing them to receive pay, and providing a mode for summoning grand and petit jurors by writs of *venire facias*, and for the paying jurors by the party against whom judgment is rendered.

Mr. Pearson moved the adoption of the following resolutions, viz:

*Resolved*, That the President of the State Bank of Illinois be requested to inform the Senate, whether the one-half per cent. on the amount of the capital stock, paid in by individuals, has been paid into the treasury, and if paid, whether such payments be taken from the profits of individual stock only, or from the whole capital stock.

*Resolved*, That the President of the State Bank furnish the Senate with a tabular statement of all lands which have been taken by the Bank in payment of debts, the several amounts of indebtedness for which they were received, designate in separate columns the section, township, range, and county where the lands are situated, the number of acres in each tract, the price paid per acre, the improvements thereon, if any, and the rents and profits annually received therefrom.

Mr. Baker moved that the further consideration of the same be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Hamlin, and Harrison—4.

Those voting in the negative, are,

Messrs. Allen, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Hack-Herndon, Hunter, James, Johnston, Little, Markley, Monroe, Moore,inally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb,der, Stadden, Stapp, Warren, and Witt—29.

Mr. Davidson moved to amend by striking out all of the second resolution; which was not agreed to.

And the question being taken on the adoption of the resolution, was decided in the affirmative.

Mr. Hacker introduced a bill, entitled an act for the redemption of theiggins loan; which was read, and ordered to a second reading.

On motion of Mr. Hacker,

the rule was dispensed with, and said bill read the second time by its title, and referred to the committee on Finance.

Mr. Harrison introduced a bill entitled "An act to authorize John Will-to keep a ferry across the Mississippi river; which was read, and ordered to a second reading.

On motion of Mr. Harrison,

the rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act to extend the limits of Bond county."

And which they ask the concurrence of the Senate. And he withdrew.

Mr. Slocumb introduced a bill, entitled "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes;" which was read, and

ordered to a second reading.

On motion of Mr. Slocumb,

the rule was dispensed with, said bill read the second time by its title,

On motion of Mr. Davidson,

referred to the committee on Internal Navigation.

The engrossed bills, entitled

"An act in relation to the public square in the original town of Ottumwa;"

"An act regulating evidence in certain cases;" and

"An act to establish a State road from York, in Clark county, to Warsaw, in Clay county;"

were severally read the third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to prevent the increase of the State debt," was read the second time, and,

On motion of Mr. Stadden,

Referred to the committee of the Whole Senate, and made the order of the day for Thursday next.

The bills from the House of Representatives, entitled

"An act to authorize the sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named;" and

"An act to incorporate the Pischah Academy;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act concerning the town of Belvidere," was read the third time.

Mr. Harrison moved to amend the same by adding the following as a proviso, viz:

*Provided*, That the release hereby granted in the second section of this act shall be, by reason of the certificate of acknowledgment of the plat of said town not being duly recorded, and for no other cause; which was agreed to, and the bill as amended, was passed.

The bill from the House of Representatives, entitled "An act to prevent the unlawful driving away of cattle and other stock by drovers and others," was read the third time, as amended, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bills.

The bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," was read the third time.

Mr. Parrish moved to amend the same by adding the following as an additional section, viz:

SEC. *Provided*, That it shall be the duty of the Governor and Auditor, as soon as may be convenient, and at least within six months from and after the passage of this act, to sell at public auction to the highest and best bidder, all the rights, privileges, and advantages in and by the foregoing sections of this act conferred on the said Samuel M. Bowman, his heirs and assigns. The sale shall be made either at the capitol at Springfield, or at the aforesaid Rapids at Rock river; and the Governor shall cause notice of the time and place thereof to be published in five public newspapers for six weeks next preceding the time of such sale. The purchaser or purchasers shall give bond with good security for the payment of the purchase money, conditioned for the payment of the same in equal annual instalments for twenty years, on the first day of January in each year; thereupon, the Governor shall give a certificate of purchase to the purchaser or purchasers thereof, under the seal of State, which certificate shall vest in the holder thereof, in fee simple, a perfect right and title to hold, use, and exercise all the rights and privileges conferred by the foregoing sections of this act, on the said Samuel M. Bowman, and thereafter the said Samuel M. Bowman shall cease to have, hold, or exercise any rights or privileges under this act unless he shall become the

purchaser thereof in manner and form as aforesaid. The purchase money shall be set apart to the payment of interest on money borrowed and expended for internal improvement purposes.

Mr. Ross moved to lay said bill and the proposed amendment on the table; which was decided in the affirmative.

On motion,

The Senate adjourned.

## TUESDAY, JANUARY 26, 1841.

Senate met pursuant to adjournment.

Mr. Slocumb presented the petition of sundry citizens of Edwards and Clay counties, praying for the removal of the mill-dams from the Little Wabash river, at Carmi and New Haven, and,

On motion of Mr. Slocumb,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Little, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Marion Academy, in Williamson county," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Churchill, from the committee on Finance, to which was referred the petition of Wm. S. Crawford and others, reported a bill, entitled "An act for the relief of William H. Crawford;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Monroe,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

Mr. Hacker, from the same committee, to which was referred a bill, entitled "An act for the redemption of the Wiggins loan," reported the same back without amendment, and recommended its passage.

Mr. Stapp moved to lay said bill on the table; which was decided in the affirmative.

Mr. Churchill, from the same committee, to which was referred the bill, entitled "An act in relation to the school, college, and seminary funds, and Auditor's warrants," reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to.

Mr. Monroe moved that the further consideration of said bill be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hacker, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stadden, and Stapp  
—15.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hunter, James, Johnston,

Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Warren, and Witt—16.

Mr. Allen moved to amend said bill by striking out all of the first section; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Harrison, Henry, Killpatrick, Little, Moore, Ralston, Richardson, Ross, Sargent, Slocumb, Stadden, Warren, and Witt—19.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, Hunter, James, Johnston, Markley, Monroe, Nunnally, Parrish, Pearson, and Stapp—12.

Mr. Ralston moved to refer said bill to the committee on the Judiciary; which was not agreed to.

Mr. Stapp moved to lay said bill on the table until the 4th day of July next; which was decided in the negative.

Mr. Sargent moved to amend the bill by adding the following as a proviso, viz:

*Provided*, That all warrants issued for school purposes shall first be paid; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Harrison, Henry, Hunter, Johnston, Killpatrick, Monroe, Parrish, Ralston, Ross, Sargent, Stapp, and Warren—19.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Herndon, James, Little, Markley, Nunnally, Pearson, Richardson, Slocumb, Stadden, and Witt—13.

Mr. Little moved that the further consideration of the bill be indefinitely postponed; which was decided in the affirmative.

Mr. Baker, from the committee on Counties, to which was referred a bill from the House of Representatives, entitled "An act for the relief of the creditors of the late William Wernwag," reported the same back without amendment, and recommended its passage.

And on the question—"Shall said bill be read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Harrison, Henry, Hunter, James, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, and Warren—18.

Those voting in the negative, are,

Messrs. Evans, Hacker, Herndon, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, and Witt—10.

Mr. Little, from the committee on Incorporations, to which was referred the bill, entitled "An act supplementary to an act entitled 'An act to incorporate the Cairo city and canal company,'" approved March 4, 1837, reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act for the relief of John D. Morrison, late collector of Pike county," reported the same back without amendment.

Mr. Ralston moved to amend said bill by striking out the proviso to the last section, and insert the following in lieu thereof, viz:

*“Provided however, That this act shall not be so construed as to prevent delays, or hinder any proceedings in law which the Auditor of State may institute against the said Morrison and his surety, or either of them, for the collection of the amount due the State; And provided further, this act shall be void and of no effect, unless the said Morrison shall well and truly pay into the State Treasury all moneys due from him to the State, on or before the first Monday in the month of May, 1841.”*

Mr. Ross called for a division of the question.

And the question being first taken on striking out,

It was decided in the negative.

Mr. Davidson moved that the further consideration of the same be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Cullom, Davidson, Evans, Fithian, Gaston, Herndon, James, Little, Markley, Parrish, Pearson, Ralston, Slocumb, and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Churchill, Feaman, Hacker, Harrison, Henry, Hunter, Johnston, Killpatrick, Monroe, Richardson, Ross, Sargent, and Witt—14.

And there being a tie, Mr. Speaker voted in the affirmative.

On motion,

The Senate adjourned.

### WEDNESDAY, JANUARY 27, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from Tho. Mather, President of the State Bank of Illinois, made in pursuance of a resolution of the Senate in relation to the building of a banking house in Springfield; which was read, and,

On motion of Mr. Gaston,

Laid on the table.

Mr. Speaker laid before the Senate a report from Williamson Gatewood, Secretary of the Fund Commissioner, containing correspondence from Richard F. Barrett, Fund Commissioner, in relation to the payment of the January interest; which was read.

Mr. Sargent moved to lay the same on the table, and that the report be printed for the use of the Senate.

Mr. Gatewood called for a division of the question.

And the question being first taken on laying on the table,

It was decided in the affirmative.

Mr. Herndon presented the petition of the citizens of Logan county, asking the location of the county seat at Postville, and,

On motion of Mr. Herndon,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Witt presented the petition of sundry citizens of Greene county, praying for a division of the same, and,

On motion of Mr. Witt,

The reading was dispensed with, and referred to the committee on Counties.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* The Council of Revision have directed me to inform the Senate that on Tuesday, the 26th inst., they approved of bills of the following titles, viz:

“An act to legalize certain acts of the clerk of the circuit court of Coles county;”

“An act to charter a female academy in Marion county;”

Also, on Wednesday, the 20th instant, they approved of “An act to establish the county of Henderson;” and

“An act to authorize the removal of the seat of justice of Adams county;”

And he withdrew.

On motion of Mr. Stapp,

The order of business was suspended,

And the bill, entitled “An act for the redemption of the Wiggins loan,” was taken up for consideration.

Mr. Hacker moved to amend said bill by striking out all after the enacting clause, and insert the following, in lieu thereof, viz:

“That the Governor be, and he is hereby, authorized to receive from the State Bank of Illinois one hundred thousand dollars in bonds, issued by the authority of this State, in discharge of its bonds given in eighteen hundred and thirty-six for the redemption of the Wiggins loan;” which was agreed to.

Mr. Gatewood moved further to amend the same by adding the following as an additional section, viz:

SEC. 2. That the Governor is hereby authorized and required, after receiving the bonds, under the provisions of this act, to publicly burn or otherwise destroy the same in the presence of the Auditor, Secretary of State, and the Treasurer; and the proper accounting officer shall, upon his books, enter a record of the transaction; which was decided in the affirmative.

Mr. Herndon moved to refer said bill, as amended, to the committee on the Judiciary; which was not agreed to.

Mr. Herndon moved to lay the said bill on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Herndon, Johnston, Markley, Monroe, Parrish, Ralston, and Witt—7.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feamster, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, James, Killpatrick, Little, Moore, Nunnally, Ross, Sargent, Slocumb, Snyder, Stadten, Stapp, and Warren—26.

Mr. Herndon moved that the further consideration of said bill, as amended, be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Herndon, Johnston, Markley, Ralston, Richardson, and Witt—6.



Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, James, Killpatrick, Little, Monroe, Moore, Nunnally, Parrish, Sargent, Slocumb, Snyder, Stadden, Stapp, and Warren—26.

Mr. Herndon moved to refer said bill, as amended, to the committee on incorporations; which was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Allen, Cullom, Davidson, Evans, Feaman, Fithian, Herndon, James, Johnston, Markley, Monroe, Nunnally, Parrish, Ralston, and Witt—15.

Those voting in the negative, are,  
Messrs. Baker, Churchill, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, Killpatrick, Little, Moore, Ross, Sargent, Slocumb, Snyder, Stadden, and Warren—17.

Mr. Herndon moved to refer said bill, as amended, to the committee on Public Accounts and Expenditures.

Mr. Monroe moved the previous question.

On motion of Mr. Herndon,

A call of the Senate was ordered, and after some time spent therein, Mr. Monroe moved that the further call of the Senate be dispensed with; which was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, James, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Ralston, Richardson, Ross, Sargent, Slocumb, Stadden, Warren, and Witt—26.

Those voting in the negative, are,  
Messrs. Evans, Herndon, Johnston, Parrish, and Snyder—5.

Mr. Herndon moved that the Senate adjourn until two o'clock; which was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Evans, Herndon, and Markley—3.

Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, James, Johnston, Killpatrick, Little, Monroe, Moore, Nunnally, Parrish, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Warren, and Witt—28.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Gatewood, Harrison, Hunter, Killpatrick, Little, Monroe, Moore, Sargent, Slocumb, Snyder, Stadden, and Warren—20.

Those voting in the negative, are,  
Messrs. Evans, Hacker, Henry, Herndon, James, Johnston, Markley, Nunnally, Parrish, Ralston, and Witt—11.

And on the question—"Shall said bill be engrossed, as amended, and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Gaston, Gatewood, Hacker, Harrison, Henry, Hunter, James, Johnston, Killpatrick, Little, Monroe, Moore, Nunnally, Parrish, Ross, Sargent, Slocumb, Snyder, Stadden, and Warren—26.

Those voting in the negative, are,

Messrs. Davidson, Evans, Herndon, Markley, Ralston, and Witt—6.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the adoption of a resolution, having for its object the appointment of a committee of conference on the disagreeing vote of the two Houses on the joint resolution fixing the ratio of representation, and have appointed Messrs. Cavarly, Murphy, of Perry, Webb, Gridley, and Lester, the committee, on the part of the House. And he withdrew.

Mr. Little moved the adoption of the following resolution, viz:

*Resolved,* That at this important crisis in the affairs of our State, the time of this General Assembly can be more profitably employed than in the passage of resolutions denouncing the impracticable schemes of misguided abolitionists or the silly proceedings of a World's Convention held by a few crazy women.

Mr. Hacker moved to lay said resolution on the table; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill of the following title, viz:

"An act making an appropriation for work done upon the State House and materials furnished," as amended by them.

In which amendments they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate adjourned.

THURSDAY, JANUARY 28, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from Tho. Mather, President of the State Bank of Illinois, made in pursuance of a resolution of the Senate in relation to the bonus of one half per cent. paid to the State, &c.; which was read, and,

On motion of Mr. Allen,

Laid on the table.

Mr. Speaker announced to the Senate that the communication received from the Governor on yesterday, was upon executive business, and would be acted upon with closed doors.

Mr. Hacker moved that said communication be acted upon with open doors; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Hacker, Harrison, Johnston, Markley, Moore, Nunnally, Parish, Pearson, Richardson, Stadden, Warren, and Witt—20.

Those voting in the negative, are,

Messrs. Cullom, Gatewood, Hamlin, Harris, Henry, Herndon, Hunter, James, Killpatrick, Little, Ralston, Ross, Sargent, and Slocumb—14.

Whereupon, the communication was read as follows:

EXECUTIVE DEPARTMENT,

*Springfield, January 27, 1841.*

To the Hon. the SPEAKER of the Senate:

SIR: Fifty legal voters of the city of Springfield having petitioned for the appointment of an additional notary public in said city, according to an act of February 22, 1839, I do hereby nominate Love S. Corawell, to be notary public for said city.

I have the honor to be,

Your obedient servant,

THO. CARLIN.

Mr. Herndon moved to lay the same on the table; which was agreed to. Mr. Hunter presented the petition of sundry citizens of Bond county, praying for the location of a State road, and,

On motion of Mr. Hunter,

The reading was dispensed with, and referred to the committee on Public Roads.

Mr. Harrison presented the petition of sundry citizens of Rock Island county in relation to an Armory, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the same select committee some days since appointed to prepare a memorial to Congress on this subject.

Mr. Harris presented the petition of sundry citizens of Macoupin county, praying for a State road therein named, and,

On motion of Mr. Harris,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act regulating the sale of property," reported the same back with sundry amendments.

Mr. Hacker moved the indefinite postponement of said bill and amendments.

Mr. Ross moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Hacker, Hamlin, Harrison, Herndon, Ross, Slocumb, and Stapp—11.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gaston, Harris, Henry, Hunter, James, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Snyder, Stadden, Warren, and Witt—25.

And the question then being taken on the motion to indefinitely postpone,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, James, Ross, Sargent, Slocumb, and Stapp—14.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Harris, Henry, Hunter, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—21.

And on the question—"Will the Senate concur with the committee in their amendments to the bill?"

It was decided in the negative.

Yeas—None.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Hunter, James, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—35.

Mr. Richardson moved to recommit said bill to the committee on the Judiciary; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the General Assembly will adjourn *sine die* on the first day of March, 1841, and that the hour of adjournment shall be nine o'clock, A. M.

In the passage of which they ask the concurrence of the Senate.

Mr. Moore, from the committee on Counties, to which was referred the petition of sundry citizens of Logan county in relation to the county seat of said county, reported a bill, entitled "An act to locate permanently the seat of justice of Logan county; which was read, and

*Ordered to a second reading.*

Mr. Davidson moved that the Senate adjourn; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Hacker, Johnston, Monroe, Ralston, Richardson, Slocumb, Snyder, and Stapp—9.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Hamlin, Harris, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ross, Sargent, Stadden, Warren, and Witt—27.

Mr. Hamlin moved that the Senate adjourn until 2 o'clock, P. M.; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Feaman, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, Killpatrick, Little, Markley, Monroe, Moore, Pearson, Ross, Sargent, Stadden, Warren and Witt—21.

Those voting in the negative, are,

Messrs. Allen, Davidson, Evans, Gaston, Hacker, Harris, James, Johnston, Parrish, Ralston, Richardson, Slocumb, Snyder, and Stapp—14.

## TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to authorize John Willson to keep a ferry across the Mississippi river," reported the same back, and recommended the rejection of the bill.

On motion of Mr. Davidson,

Said bill was laid on the table.

On motion of Mr. Herndon,

The order of business was suspended;

And the bill contained in the message of the House of Representatives, entitled "An act making an appropriation for work done upon the State House and materials furnished," was taken up for consideration.

On the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred a bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and water privileges for the payment of interest on the canal debt," together with the amendment of the committee to the same, reported the same back with an amendment to the amendment.

Mr. Stapp moved to lay said bill and amendments on the table; which was decided in the affirmative.

Mr. Ross, from the committee of conference made the following report, viz:

"The committee of conference upon the disagreeing vote of the two branches of the General Assembly upon the resolution adopted by the Senate, having for its object the fixing the ratio for apportioning the representation of this State according to the late census, (as amended by the House of Representatives,) have had the same under consideration, and a majority of the committee recommend that the Senate concur in the amendment to the resolution adopted by the House of Representatives.

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Cullom, Davidson, Evans, Hacker, Hamlin, Harris, Harrison, Herndon, Hunter, Johnston, Killpatrick, Little, Monroe, Moore, Parrish, Richardson, Sargent, Slocumb, and Stadden—20.

Those voting in the negative, are,

Messrs. Allen, Churchill, Feaman, Fithian, Gaston, Henry, James, Markley, Pearson, Ralston, Ross, Stapp, Warren, and Witt—14.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Allen,

The order of business was suspended,

And the engrossed bill, entitled "An act making provision for organizing and maintaining common schools," was taken up.

On motion of Mr. Davidson,

The reading of the same was dispensed with, and said bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little, from the committee on the Judiciary, to which was referred a resolution in relation to judgments and executions, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Parrish,

Said resolution was laid on the table.

Mr. Harrison moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein.* That the two Houses will meet in the Hall of the House of Representatives, at two o'clock, on Monday, the 1st day of February, for the purpose of going into the election of circuit attorneys for the first, sixth, seventh, and ninth Judicial Circuits, also, a Treasurer, an Acting Commissioner, and a President of the Canal Board of the Illinois and Michigan canal; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Hamlin, Harrison, Henry, Hunter, Killpatrick, Little, Monroe, Moore, Pearson, Ross, Sargent, Slocumb, Stadden, Stapp, and Warren—22.

Those voting in the negative, are,

Messrs. Feaman, Gaston, Hacker, Harris, Herndon, Johnston, Markley, Nunnally, Parrish, Ralston, Richardson, and Witt—12.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Baker moved to suspend the order of business; which was agreed to. Whereupon,

Mr. Baker moved to reconsider the vote taken on yesterday, on ordering to a third reading the bill, entitled "An act for the redemption of the Wiggins loan;" which was decided in the affirmative, and,

On motion of Mr. Ross,

Said bill was laid on the table.

On motion of Mr. Herndon,

*Resolved*, That the President of the State Bank of Illinois be requested to state to this Senate if the following provisions of "An act, entitled 'An act supplemental to an act to incorporate the subscribers to the Bank of the State of Illinois,'" have been complied with, viz:

"SEC. 4. The corporation or Bank shall not be entitled to the benefit or provisions of this act until the said corporation, in consideration thereof, shall have entered into contract with the Governor of the State of Illinois to redeem the loan, commonly called the Wiggins loan, made by authority of the State, on the 29th day of January, A. D. 1831, together with the interest which may hereafter accrue on said loan, approved January 16, 1831." If said section be complied with, state the amount of security given by said State Bank of Illinois; the kind of security; if personal security, state the names of the person or persons, and their place of residence; state if the privileges granted by said act, or any part thereof, has been transferred by said Bank to any individual or individuals, banks, or other corporate bodies. If any transfer has been made, state upon what terms so made, and to whom made. If said act has been complied with, state at what times the interest upon the above recited bonds has been paid by said State Bank; the amount of interest so paid, and at what time the next interest has to be paid upon said bonds, and when payable.

On motion of Mr. Davidson,

The order of business was further suspended,  
And the report of the committee on Internal Improvements, some days since laid on the table, was taken up for consideration.

Mr. Pearson moved to refer said report to the committee of the Whole Senate, and made the order of the day for to-morrow; which was decided in the affirmative.

Mr. Sargent introduced a bill, entitled "An act in relation to a mill-dam in Morgan county;" which was read, and

*Ordered* to a second reading.

Mr. Hacker introduced a bill, entitled "An act in relation to the Central railroad;" which was read, and

*Ordered* to a second reading.

Mr. Hamlin introduced a bill, entitled "An act to attach range one, east of the third principal meridian, to the counties of Putnam and Marshall; which was read, and

*Ordered* to a second reading.

Mr. Gaston introduced a bill, entitled "An act for the resurvey of the lower town of Carlyle, in Clinton county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gaston,  
The rule was dispensed with, said bill read the second time by its title,

*Ordered* to be engrossed and read a third time.

On motion,  
The Senate adjourned.

FRIDAY, JANUARY 29, 1841.

Senate met pursuant to adjournment.

Mr. Stadden presented the petition of sundry citizens of De Kalb county, in relation to the seat of justice of said county, and,

On motion of Mr. Stadden,

The reading was dispensed with, and referred to the committee on Counties.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, a bill, entitled "An act making an appropriation for work done upon the State House, and materials furnished."

And that they have this day laid the same before the Council of Revision.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Union Manufacturing Company," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule of the Senate was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Moore, from the select committee to which was referred the bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts," reported the same back with an amendment.

Mr. Ross moved to amend the proposed amendment by striking out the words "specifically made payable," and insert the word "contracted," in lieu thereof; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gibbs, Hacker, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, and Stapp—20.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Gatewood, Harris, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, Stadden, Warren, and Witt—16.

Mr. Stapp moved to lay said bill and proposed amendment on the table; which was decided in the negative.

Mr. Davidson moved that the further consideration of said bill and amendment be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Cullom, Davidson, Feaman, Fithian, Hacker, Herndon, James, Little, Monroe, Ross, Slocumb, and Stapp—12.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Evans, Gaston, Gatewood, Gibbs, Hamlin, Harris, Harrison, Hunter, Johnston, Killpatrick, Markley, Moo



Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Stadden, Warren, and Witt—24.

Mr. Baker moved to refer said bill and proposed amendment to the committee on the Judiciary; which was decided in the affirmative.

On motion of Mr. Ross,

The order of business was suspended;

And the bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," together with the proposed amendment thereto, was taken up for consideration.

Mr. Davidson moved to refer said bill and amendment to the committee on the Judiciary, with instructions to provide for the appraisement of the property; that it shall not be sold for less than its appraised value, and that it shall be sold upon a credit of five years, to be divided in equal annual instalments, with interest; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Harris, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, and Witt—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Stadden, Stapp, and Warren—15.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

And a quorum not being present,

On motion,

The Senate adjourned.

SATURDAY, JANUARY 30, 1841.

Senate met pursuant to adjournment.

Mr. Stapp presented the petition of sundry citizens of Warren county, asking for a change in the State road leading from Monmouth to Illinois city, and,

On motion of Mr. Stapp,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of sundry citizens of Bond county, in relation to a

State road, reported a bill, entitled "An act to locate and establish a State road therein named;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Harris,

The rule was dispensed with, and said bill read a second time by its title, and referred to a select committee.

*Ordered*, That Messrs. Harris, Hunter, and Evans, be that committee.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker*: I am directed by the Council of Revision to inform the Senate that, on Friday, the 29th inst., they approved a bill, entitled "An act making an appropriation for work done upon the State House and material furnished." And he withdrew.

Mr. Baker, from the committee to which was referred the bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," together with the proposed amendment thereto, reported the same back with sundry amendments thereto; which were severally read and concurred in.

Mr. Ralston moved further to amend said bill by striking out the word "sixty" in the sixth section, and insert the words "thirty-one," in lieu thereof; which was decided in the affirmative.

Those voting the affirmative, are,

Messrs. Allen, Evans, Feaman, Fithian, Gaston, Gibbs, Harris, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, and Slocumb—17.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Stadden, Stapp, Warren, and Witt—15.

Mr. Little moved to amend said bill by striking out the proviso or last provision in the sixth section; which was agreed to.

Mr. Baker moved to lay said bill, as amended, on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gibbs, Hamlin, Harrison, Killpatrick, Little, Monroe, Richardson, Slocumb, Stadden, Stapp, and Warren—18.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, Harris, Henry, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston and Witt—14.

On motion of Mr. Davidson,

Leave of absence was granted to Mr. Ross for the space of four days.

On motion of Mr. Henry,

Leave of absence was granted to Mr. Sargent until Tuesday next.

Mr. Moore, from the committee on Counties, to which was referred a bill from the House of Representatives, entitled "An act to provide for draining mill-dams on the Mackinaw creek," reported the same back with an amendment; which was concurred in, and said bill, as amended was

*Ordered* to a third reading.

Mr. Little, from the committee on the Judiciary, to which was referred a petition in relation to the practice of medicine in this State, reported the same back, and asked to be discharged from the further consideration of the subject, which was agreed to.

Mr. Hacker moved to refer said petition to the committee on Salines and Saline Lands,

Mr. Parrish moved to lay the same on the table; which was not agreed to.

And the question being taken on the proposed reference to the committee on Salines and Saline Lands,

It was decided in the negative.

Mr. Allen moved to refer said petition to the committee on Internal Improvements; which was decided in the affirmative.

On motion of Mr. Stapp,

The order of business was suspended,

And the bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide by sale of canal lands and water privileges for the payment of interest on the canal debt," together with the proposed amendment thereto, was taken up for consideration;

And the question recurring on concurring with the committee on Canals and Canal Lands, in their amendment to the amendment to said bill,

Mr. Stadden called for a division of the same, so that the question would be first taken upon striking out the first seventeen sections of the proposed amendment, and inserting the first proposition contained in the proposed amendment to the amendment, in lieu thereof.

Mr. Stapp called for a further division,

And the question being first taken upon striking out,

It was decided in the affirmative.

On motion,

The Senate adjourned.

## MONDAY, FEBRUARY 1, 1841.

Senate met pursuant to adjournment.

On motion of Mr. Harris,

Leave of absence was granted to Mr. Monroe for the space of ten days.

Mr. Davidson presented the petition of sundry citizens of White county, in relation to a State road, and,

On motion of Mr. Davidson,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Markley presented the petition and remonstrance of the citizens ofulton county, in relation to the relocation of the seat of justice of said county, and,

On motion of Mr. Markley,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Harrison presented the petition of sundry citizens of Carroll county, praying for an alteration of the county lines, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Speaker announced that Messrs. James and Henry would act as members of the joint select committee on the part of the Senate, in relation to the apportionment of representation, during the absence of Messrs. Wood and Ross.

Mr. Little presented the petition of sundry citizens of Hancock county in relation to the Des Moines Rapids railroad, and,

On motion of Mr. Little,

The reading of the same was dispensed with, and referred to the committee on Internal Improvements.

Mr. Speaker laid before the Senate a report of the President of the State Bank of Illinois, in pursuance of a resolution of the Senate in relation to the payment of the Wiggins loan; which was read, and

On motion of Mr. Hacker,

Referred to the committee on the Judiciary.

Mr. Davidson, from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the town of Petersburg," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Moore, from the select committee to which was referred the petition of James McKee, in relation to a mill-dam, reported the same back and asked to be discharged from a further consideration of the subject which was agreed to, and,

On motion of Mr. Stadden,

Said petition was laid on the table.

Mr. Ralston, from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the Springfield Marine and Fire Insurance Company," reported the same back with an amendment which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Cullom introduced a bill, entitled "An act for the transacting certain records in Tazewell county," which was read, and

*Ordered* to a second reading.

Mr. Harrison introduced a bill, entitled "An act to amend an act authorize Daniel F. Hitt to build a mill-dam; which was read, and

*Ordered* to a second reading.

On motion of Mr. Harrison,

The rule was dispensed with, and said bill read the second time by title, and referred to the committee on the Judiciary.

Mr. Little introduced a bill, entitled "An act supplementary to act to incorporate the Des Moines Rapids Railroad Company," which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Improvements.

Mr. Davidson introduced a bill, entitled "An act to amend an act, entitled 'An act for the relief of Charles J. Weed,'" approved January 27, 1837; which was read, and

*Ordered* to a second reading.

On motion of Mr. Davidson,

The rule was dispensed with, and said bill read the second time by its title, and referred to the committee on Internal Navigation.

The engrossed bill, entitled "An act for the resurvey of the lower town of Carlyle, in Clinton county," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide, by sale of canal lands and water privileges, for the payment of interest on the canal debt," being under consideration, and the question recurring on the question pending at the time of adjournment on Saturday last, which was upon inserting the first proposition contained in the amendment of the committee on Canals and Canal Lands to the proposed amendment,

It was decided in the affirmative.

And the question then recurring on concurring with the committee in their amendments to the amendment,

Mr. Stadden called for a further division of the same.

Mr. Allen moved to lay said bill and proposed amendments on the table; which was not agreed to.

And the question being first taken on concurring with the committee in their first amendment to the 18th section of the proposed amendment,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Gibbs, James, Markley, Moore, Pearson, Richardson, and Witt—8.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Johnston, Killpatrick, Little, Nunnally, Ralston, Slocumb, Stadden, Stapp, and Warren—23.

And on the question—"Will the Senate concur with the committee in the remaining amendments to the 18th section of said amendment?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Gaston, Gibbs, and Pearson—4.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Hamlin, Harris, Harrison, Henry, Herndon, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Ralston, Richardson, Slocumb, Stadden, Stapp, Warren, and Witt—26.

And on the question—"Will the Senate concur with the committee in their amendment to the last section of the amendment?"

It was decided in the affirmative.

The question then being taken on concurring with the committee in their proposed amendment to said amendment, by striking out sections 21, 25, and 26,

It was decided in the affirmative.

Whereupon,

Mr. Stadden moved further to amend said amendment by striking out sections numbers 18, 19, and 20.

Mr. Hamlin called for a division of the question;

And the question being first taken on striking out the 18th section of said amendment,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Gaston, Hacker, Hamlin, Harrison, Henry, Herndon, Johnston, Killpatrick, Little, Moore, Slocumb, Stadden, Stapp, Warren and Witt—21.

Those voting in the negative, are,

Messrs. Feaman, Fithian, Gibbs, Harris, James, Markley, Pearson, and Ralston—8.

The question then being taken on striking out sections 19 and 20, as proposed,

It was decided in the affirmative.

And on the question—"Will the Senate concur in the adoption of the proposed amendment as amended?"

It was decided in the affirmative.

And said bill, as amended, was

*Ordered* to be engrossed and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to amend an act to incorporate the town of Jacksonville, and for other purposes," as amended by them.

In which amendments they ask the concurrence of the Senate.

They have also concurred with the Senate in relation to a certain resolution having for its object fixing on Monday, 1st February, for the election, by joint ballot of both Houses, of sundry officers therein named, as amended by them.

The resolution, as amended, reads as follows:

That the two Houses meet in the Hall of the House of Representatives on Friday the 5th of February inst., &c. &c.

In which amendment they ask the concurrence of the Senate.

They have also concurred with the Senate in their amendments to a bill for "An act to prevent the unlawful driving away of cattle and other stock by drovers and others." And he withdrew.

The engrossed bills, entitled

"An act for the relief of Wm. S. Crawford;"

"An act supplementary to an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" approved March 4, 1837; and

"An act in relation to practice in courts of law and equity;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Moore, from the select committee to which was referred the petition of sundry citizens of Fulton and Schuyler counties, praying for the jurisdiction of justices of the peace to be confined to their respective precincts, reported the same back and asked to be discharged from the further consideration of the same; which was agreed to.

Mr. Richardson moved to refer the same to the committee on the Judiciary; which was decided in the affirmative.

On motion,

The Senate adjourned.

## TUESDAY, FEBRUARY 2, 1841.

Senate met pursuant to adjournment.

A message from the Governor, by I. S. Berry:

*Mr. Speaker*: I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Mr. Speaker announced that the communication just received from the Governor, was upon executive business, and would be acted upon with closed doors.

Mr. Hacker moved that the same be now acted upon with open doors; which was agreed to.

And the communication was read as follows:

### EXECUTIVE DEPARTMENT,

*Springfield, Feb. 2, 1840.*

*To the Senate:*

I nominate Adam Perry, to be public administrator for the county of Stark; and

Nathan Beadles, to be public administrator for the county of Fulton.

THO. CARLIN.

Mr. Hamlin moved that the Senate do now advise and consent to the nominations as above; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act to create the county of Kendall."

In which they ask the concurrence of the Senate.

Also, they have concurred with the Senate in the passage of a bill of the following title, viz:

"An act reorganizing the Judiciary of the State of Illinois." And he withdrew.

Mr. Gatewood, from the committee on Finance, to which was referred the Auditor's report, also, sundry resolutions touching the general financial condition of the State, made a lengthy report; which was read, and,

On motion of Mr. Hacker,

Laid on the table, and one thousand copies

*Ordered* to be printed for the use of the Senate.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to authorize Daniel F. Hitt to build a mill-dam,'" reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Ralston, from the same committee, to which was referred the report of the President of the State Bank of Illinois, in relation to the Wiggins loan, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Ralston,

Said report was laid on the table.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill entitled "An act supplementary to an act to incorporate the Des Moines Rapids Railroad Company," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill, entitled "An act regulating the sale of property," reported the same back with an amendment.

And on the question—"Will the Senate concur with the committee in their amendment to said bill?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Harris, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Killpatrick, Slocumb, and Stapp—13.

Mr. Little moved to recommit said bill to the committee on the Judiciary, with the following instructions, viz:

"Strike out such of the provisions of said bill as relates to the sale of real estate, and make them applicable only to the sale of personal property."

Mr. Allen moved to refer the said bill and instructions to the committee of the Whole Senate, and made the order of the day for to-morrow; which was decided in the negative.

And the question then being taken on recommitting said bill, with the proposed instructions, to the committee on the Judiciary,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Davidson, Fithian, Gibbs, Hacker, Harrison, Little, Nunnally, Richardson, Slocumb, and Stadden—11.

Those voting in the negative, are,

Messrs. Allen, Baker, Cullom, Evans, Feaman, Gaston, Hamlin, Harris, Henry, Herndon, Hunter, Johnston, Killpatrick, Markley, Moore, Parrish, Pearson, Ralston, Snyder, Stapp, Warren, and Witt—22.



Mr. Baker moved to lay said bill, as amended, on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Killpatrick, Little, Slocumb, and Stapp—15.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—18.

Mr. Stadden moved to recommit said bill, as amended, to the committee on the Judiciary, with the following instructions, viz:

"To so amend the bill as to repeal the law authorizing the redemption of real estate sold on execution;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Fithian, Hacker, Little, Ralston, Richardson, Slocumb, Stadden, and Stapp—9.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Gaston, Gibbs, Hamlin, Harris, Harrison, Henry, Herndon, Hunter, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Snyder, Warren, and Witt—24.

Mr. Stapp moved to further amend said bill by striking out all after the enacting clause, and insert the following, viz:

"SEC. That from and after the 1st day of May next, no execution shall be issued on any judgment rendered after that day, until twelve months shall have elapsed from the time of rendering the judgment; *Provided*, that the person or persons, against whom judgment shall be obtained, shall give bond, with approved security, to be approved by the justice of the peace before whom judgment is rendered, and if obtained before the Circuit Court, the security shall be approved by the sheriff; but in case of failure on the part of the defendant to give bond and security, as provided above, executions shall issue and be levied in the same manner as now provided by law; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Fithian, Hacker, and Stapp—4.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Gaston, Gibbs, Hamlin, Harris, Harrison, Henry, Herndon, Hunter, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt—29.

Mr. Stapp moved to further amend said bill by adding the following to the last section, as a proviso, viz:

"*Provided*, That the provisions of this bill shall not apply to the collection of debts heretofore contracted;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Killpatrick, Slocumb, and Stapp—13.

Those voting in the negative, are,

Messrs. Baker, Evans, Feaman, Gaston, Gibbs, Harris, Hunter, John-

ston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—20.

Mr. Davidson moved to amend said bill by inserting after the word "property," in the first section, the words "having reference to its cash value;" which was agreed to.

And on the question—"Shall said bill, as amended, be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Warren, and Witt—17.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Killpatrick, Little, Slocumb, Stadden, and Stapp—16.

On motion of Mr. Baker,

*Ordered*, That five hundred copies of a tabular statement in relation to the census, be printed for the use of the two Houses.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act in relation to free negroes and mulattoes," reported the same back with an amendment.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

And the question recurring on the question pending at the time of adjournment, which was upon concurring with the committee in their amendment to the bill from the House of Representatives, entitled "An act in relation to free negroes and mulattoes;" and the question being put,

It was decided in the affirmative.

And said bill, as amended, was

*Ordered* to a third reading.

Mr. Ralston moved to reconsider the vote taken this morning, on ordering to a third reading the bill, entitled "An act in relation to the sale of property;" which was agreed to, and,

On motion of Mr. Hacker,

Said bill, as amended, was again referred to the committee on the Judiciary.

Mr. Snyder, from the committee on the Judiciary, to which was referred the petition of sundry citizens of the town of Cahokia, in relation to the commons of said town, reported a bill, entitled "An act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

Mr. Harrison, from the committee on Internal Navigation, to which was referred the bill, entitled "An act to amend an act, entitled 'An act for the relief of Charles J. Weed,'" approved January 27, 1837, reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Davidson,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Baker,

The order of business was suspended,

And the bill, entitled "An act to locate permanently the seat of justice of Logan county," was taken up, and read the second time, and

*Ordered* to be engrossed for a third reading.

Mr. Little moved to suspend the order of business; which was agreed to. Whereupon,

The vote taken on the title to the bill, entitled "An act in relation to practice in courts of law and equity," was reconsidered.

Mr. Little moved to amend the title so as to make it read "An act to amend an act concerning judgments and executions," approved January 17, 1825; which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Ralston, from the committee to which was referred the bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts," together with the proposed amendment thereto, reported the same back with an amendment to the proposed amendment.

And on the question—"Will the Senate concur with the committee in their amendment to the proposed amendment?"

It was decided in the negative.

Mr. Markley moved to amend the amendment by striking out the words "that the cause of action accrued;" which was decided in the negative.

Mr. Baker moved to recommit said bill and proposed amendment to the committee on the Judiciary; which was not agreed to.

Mr. Henry moved that the further consideration of the same be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Harrison, Henry, Herndon, James, Little, Sargent, Slocumb, Snyder, and Stapp—16.

Those voting in the negative, are,

Messrs. Allen, Gaston, Hamlin, Harris, Houston, Hunter, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Stadden, Warren, and Witt—18.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, a bill, entitled "An act reorganizing the judiciary of the State of Illinois."

Also, that they have this day laid the same before the Council of Revision.

On motion,  
The Senate adjourned.

### WEDNESDAY, FEBRUARY 3, 1841.

Senate met pursuant to adjournment.

And the question recurring on the question pending at the time of adjournment on yesterday, which was upon concurring with the select committee in their amendment, as amended, to the bill, entitled "An act to limit the jurisdiction of justices of the peace to their respective districts:"

Mr. Stadden moved to lay said bill and amendment on the table; which was decided in the affirmative.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of sundry citizens of Warren county, in relation to a road therein named, reported a bill, entitled "An act changing a part of the State road therein named;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred the bill, entitled "An act regulating the sale of property," reported the same back with an amendment.

Mr. Hamlin moved to amend the proposed amendment by adding the following proviso, viz:

"*Provided however*, That this act shall not continue in force beyond the first day of May, 1842;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Henry, James, Killpatrick, Sargent, Slocumb and Stapp—13.

Those voting in the negative, are,

Messrs. Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Snyder, Stadden, Warren, and Witt—20.

Mr. Davidson moved to amend the proposed amendment by adding the following, viz:

"This act shall be in force fifteen days from and after its passage;" which was not agreed to.

Mr. Stapp moved to amend the proposed amendment by adding the following as a proviso, viz:

*“Provided, That the plaintiff in execution shall have its right in all cases to determine on what species of property execution shall, or may, be levied, and in case of failure on the part of the plaintiff in execution to select the property, the defendant shall then turn out such property as he may think proper, excepting such property as is now already exempt from execution; which was decided in the negative.*

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Henry, Herndon, James, Killpatrick, Slocumb, and Stapp—13.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Harrison, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Snyder, Stadden, Warren, and Witt—22.

And the question then being taken on concurring with the committee in their amendment to said bill,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—20.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Sargent, Slocumb, and Stapp—16.

And on the question—“Shall said bill, as amended, be engrossed and read a third time?”

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—20.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Sargent, Slocumb, and Stapp—16.

A message from the Governor, by Mr. Ames:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a bill, entitled “An act to provide for settlers on lands purchased by the State,” reported the same back without amendment, and commended its passage.

*Ordered* to be engrossed and read a third time.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of the Governor, just received, containing the report of Richard M. Young, as agent of the Illinois and Michigan canal; which was read, and,

On motion of Mr. Allen,

Laid on the table.

On motion of Mr. Parrish,

*Resolved*, That the Canal Commissioners be required to inform the Senate why they have not answered the resolution of the Senate, passed some days ago, inquiring of them the cost of finishing the canal from the Illinois river to the level of the Du Page feeder, and in what time that part of the work could be put in operation.

Mr. Herndon introduced a bill, entitled "An act to attach part of the third Congressional district to the first; which was read, and,

*Ordered* to a second reading.

Mr. Harrison introduced a bill, entitled "An act to authorize the county commissioners of Rock Island and Stephenson counties to collect the tax of 1839;" which was read, and

*Ordered* to a second reading.

Mr. Cullom introduced a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,'" approved March 2, 1839; which was read, and

*Ordered* to a second reading.

On motion of Mr. Cullom,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Incorporations.

Mr. Harrison introduced a bill, entitled "An act to incorporate the Rock river seminary in Ogle county, Illinois;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Harrison,

Referred to the committee on Incorporations.

Mr. Baker moved to suspend the order of business; which was agreed to. Whereupon,

On the further motion of Mr. Baker,

The engrossed bill, entitled "An act to locate permanently the seat of justice of Logan county," was taken up for consideration.

Mr. Baker moved to amend said bill by adding the following as a proviso, viz:

*Provided*, That if the proprietors of the said town of Postville shall not, within ninety days from the passage of this act, comply with the provisions of this act on their part, then this act to be null and void, and

county commissioners of said county are required to select some other place as the temporary county seat, other than Postville; which place, so selected, shall be, and remain the county seat of said county until the end of the next regular or special session of the General Assembly;" which was agreed to;

And said bill, as amended, was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ralston introduced a bill, entitled "An act to facilitate the collection of payments by executors and administrators;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Sargent introduced a bill, entitled "An act to vacate a part of the town plat of Meredosia;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Henry,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Cullom introduced a bill, entitled "An act to amend an act, entitled an act to extend the corporate powers of the town of Pekin," approved February 23, 1839; which was read, and

*Ordered* to a second reading.

On motion of Mr. Cullom,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

Mr. Churchill introduced a bill, entitled "An act to amend an act prohibiting the mode of summoning grand and petit jurors, and defining their qualifications and duties," approved February 7, 1827;" which was read, and

*Ordered* to a second reading.

Mr. Stadden introduced a bill, entitled "An act entitled an act to provide for selling water lots and privileges on the Illinois and Michigan canal;" which was read, and

*Ordered* to a second reading.

Mr. Hamlin moved to suspend the order of business for the purpose of taking up a resolution contained in the message of the House of Representatives in relation to the election of certain officers; which was not agreed to.

Mr. Stapp moved to suspend the order of business for the purpose of taking up the bill, entitled "An act for the redemption of the Wiggins loan;" which was not agreed to.

Mr. Stapp moved to suspend the order of business for the purpose of taking up a resolution contained in the message of the House of Representatives, in relation to the adjournment of the General Assembly; which was decided in the negative, by yeas and nays as follows, it requiring three-fourths of all the members voting:

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Gibbs, Hamlin, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Sargent, Slocumb, Stapp, and Warren—21.

Those voting in the negative, are,

Messrs. Evans, Gaston, Hacker, Harris, Houston, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, and Witt—16.

The engrossed bill, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide, by sale of canal lands and water privileges, for the payment of interest on the canal debt," was read the third time.

Mr. Stapp moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That no selections of canal lands shall be made nearer the line of the canal than now allowed by law;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Houston, Killpatrick, Little, Sargent, Slocumb, and Stapp—15.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Harrison, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—21.

Mr. Baker moved to lay said bill on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gatewood, Harrison, Henry, Houston, Killpatrick, Parrish, Ralston, Sargent, and Stapp—15.

Those voting in the negative, are,

Messrs. Allen, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harris, Herndon, Hunter, James, Johnston, Little, Markley, Moore, Pearson, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt—21.

Mr. Ralston moved that the further consideration of the same be postponed for one week; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gatewood, Gibbs, Hacker, Harrison, Henry, Houston, Johnston, Killpatrick, Little, Parrish, Ralston, Sargent, and Stapp—19.

Those voting in the negative, are,

Messrs. Allen, Feaman, Gaston, Hamlin, Harris, Herndon, Hunter, James, Markley, Moore, Nunnally, Pearson, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt—18.

On motion,

The Senate adjourned.



THURSDAY, FEBRUARY 4, 1841.

enate met pursuant to adjournment.

Mr. Moore presented the petition of James McReynolds, A. Marquiss, Henry Praither, of Macon county, for authority to convey real estate,

On motion of Mr. Moore, the reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Cullom asked and obtained leave to withdraw the petitions and re- strances in relation to the division of Tazewell county.

Mr. Harris, from the select committee to which was referred the bill, titled "An act to locate and establish a State road therein named," re- sented the same back with an amendment; which was read and concur- in.

Ordered to be engrossed, as amended, and read a third time.

A message from the House of Representatives, by Mr. Davis, their As- tant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform Senate, that they have adopted the memorial reported by the joint select committee appointed to memorialize Congress on the subject of an- ticipation in the land laws, &c.

On the adoption of which they ask the concurrence of the Senate. And withdrew.

The engrossed bills, entitled

"An act changing a part of a State road therein named;"

"An act to authorize the supervisor of the village of Cahokia to lease of the commons appertaining to said village;"

"An act to amend an act, entitled an act to authorize Daniel F. Hitt to build a mill-dam;"

"An act supplementary to an act to incorporate the Des Moines Rapids Road Company;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;" and

"An act to incorporate the town of Petersburg;"

were severally read the third time and passed.

Ordered, That the titles be respectively as aforesaid, and that the Sec- retary inform the House of Representatives thereof, and ask their concur- rence therein.

The engrossed bill, entitled "An act to provide for settlers on lands pur- chased by the State," was read the third time.

Mr. Ralston moved to amend said bill by adding the following as a pro- vision, viz:

*Provided*, That this act shall remain in force for two years, and longer;" which was not agreed to.

Mr. Gatewood moved to amend said bill by adding the following as a proviso, viz:

*Provided*, That this act shall remain in full force for one year, and no longer; which was agreed to.

And said bill was passed, as amended,

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act regulating the sale of property" was read the third time.

Mr. Ross moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Ross, Sargent, Slocum and Stapp—16.

Those voting in the negative, are,

Messrs. Feaman, Gaston, Gibbs, Harris, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—19.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren and Witt—20.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Ross, Sargent, Slocum and Stapp—16.

Mr. Cullom moved to amend the title of said bill, so as to make it read: "An act to prevent the payment of just debts and for the relief of speculators;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Fithian, Hamlin, Harrison, Herndon, James, and Ross—9.

Those voting in the negative, are,

Messrs. Churchill, Evans, Feaman, Gaston, Gibbs, Hacker, Harrison, Henry, Houston, Hunter, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—27.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act in relation to a mill-dam in Morgan county" was read the second time, and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

The bill, entitled "An act in relation to the Central railroad," was read the second time, and,

On motion of Mr. Ross,

Referred to the committee on Internal Improvements.

The bill, entitled "An act for the transcribing certain records in Tazewell county," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled "An act to attach range one, east of the third principal meridian, to the counties of Putnam and Marshall," was read the second time, and,

On motion of Mr. Stadden,  
Referred to the committee on Counties.

The bill, entitled "An act to authorize the county commissioners of Jackson Island and Stephenson counties to collect the tax of 1839," was read the second time, and

Ordered to be engrossed and read a third time.

On motion of Mr. Harrison,  
The rule was dispensed with, said bill read the third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to attach part of the third Congressional district to the first," was read the second time.

Mr. Herndon moved to refer said bill to the committee on the Judiciary.

Mr. Hacker moved to lay the same on the table; which was decided the negative.

Those voting in the affirmative, are,  
Messrs. Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Slocumb, and Stapp—18.

Those voting in the negative, are,  
Messrs. Allen, Gaston, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—19.

And the question then being taken on referring said bill to the committee on the Judiciary.

It was decided in the affirmative.

The bill, entitled "An act to amend an act prescribing the mode of summoning grand and petit jurors and defining their qualifications and duties," approved February 7, 1827," was read the second time.

Mr. Hacker moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Parrish, Pearson, Ralston, Sargent, Slocumb, Stadden, Warren, and Witt—29.

Those voting in the negative, are,  
Messrs. Allen, Churchill, Hamlin, Richardson, Snyder, and Stapp—6.

The bill, entitled "An act to amend an act, entitled an act to provide for opening water lots and privileges on the Illinois and Michigan canal," was read the second time.

Mr. Stadden moved to amend said bill by striking out the second section; which was agreed to.

Mr. Gatewood moved that the further consideration of the same be postponed for one week; which was not agreed to.

Mr. Gatewood moved to lay said bill on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, Johnston, Parrish, Ralston, Slocumb, and Stapp—18.

Those voting in the negative, are,

Messrs. Allen, Hamlin, Henry, Herndon, James, Killpatrick, Markley, Moore, Nunnally, Pearson, Richardson, Ross, Sargent, Snyder, Stadden, Warren, and Witt—17.

The bill from the House of Representatives, entitled "An act to locate, alter, and relocate certain State roads," was read the third time, as amended, and passed.

Mr. Little moved to reconsider the vote just taken on the passage of said bill; which was agreed to.

Whereupon,

Mr. Little moved to amend said bill by striking out the name of Robert Alexander, in the second line of the sixth section, and insert the name of Vandiver Banks, in lieu thereof; which was agreed to.

And said bill passed, as amended.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

The bill from the House of Representatives, entitled "An act to incorporate the Marion Academy, in Williamson county," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act in relation to free negroes and mulattoes;" and

"An act to provide for draining mill-dams on the Mackinaw creek;"

Were severally read the third time, as amended, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act for the relief of the creditors of the late William Wernwag," was read the third time.

Mr. Herndon moved to amend said bill by adding the following as an additional section, viz:

"*SEC. Provided however*, should any person or persons commence suit against said county of Sangamon, and fail to prosecute his or their suit, or should fail to obtain judgment against said county of Sangamon, such person or persons shall be liable for all costs and damages, including the fees of attorneys employed by said county of Sangamon, and shall pay to each county commissioner of Sangamon the sum of two dollars per day for their attendance at court, while defending any suit or suits commenced against the said county of Sangamon, which amount shall be taxed with other costs of suit."

"Sec. — No action shall be sustained by virtue of this act against the county of Sangamon, unless the person or persons so sueing shall prove that the promise to pay was made by the county commissioners as a court and while in session, and that such promise was entered upon record;" which was agreed to.

And said bill, as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to vacate town plats," was read the second time, and,

On motion of Mr. Davidson,

Referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled

"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands to public purposes,'" approved February 28, 1839; and

"An act changing a town plat therein named;"

Were severally read the second time, and

*Ordered* to a third reading.

The bills from the House of Representatives, entitled

"An act to create the county of Kendall;" and

"An act to extend the limits of Bond county;"

Were severally read, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills severally read the second time by their titles, and referred to the committee on Counties.

The bill contained in the message from the House of Representatives, entitled "An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30, 1840, was taken up, and the amendment of the House of Representatives, to said bill, was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Harrison,

The order of business was suspended;

Whereupon,

Mr. Harrison moved that the bill from the House of Representatives, some days since laid on the table, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," as amended, be now taken up for consideration; which was agreed to.

Mr. Harrison moved to refer said bill to a select committee; which was decided in the affirmative.

*Ordered*, That Messrs. Harrison, Ralston, and Davidson, be that committee.

On motion,

The Senate adjourned.

FRIDAY, FEBRUARY 5, 1841:

Senate met pursuant to adjournment,

And was called to order by the Secretary, who stated that the Speaker would unavoidably be absent during the remainder of the week.

Whereupon,

On motion of Mr. Moore,

Mr. Hacker was chosen Speaker *pro tempore*.

A message from the Governor, by Mr. Ames:

*Mr. Speaker:* I am directed by the Governor, to lay before the Senate a written communication. And he withdrew.

Mr. Speaker laid before the Senate the communication just received from the Governor containing the report of the President and Directors of the Illinois Mutual Fire Insurance Company;" which was read, and,

On motion of Mr. Davidson,

Laid on the table.

Mr. Harrison presented the petition of sundry citizens of the Rock river country, in relation to the improvements of the Upper Rapids; which was read.

Mr. Ralston moved to refer the said petition to the same select committee to which was referred the bill to authorize Samuel M. Bowman to build a dam &c.; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act in relation to the school fund;"

"An act creating a permanent Board of Auditors to settle the accounts of contractors on public works;"

"An act to provide for the collection of taxes for the year 1839, in Cass county;"

"An act to create the county of Grundy, from the county of La Salle;"

"An act to extend the location of the Darwin and Charleston turnpike from Charleston to Springfield;" and

"An act for the relief J. D. Morrison."

In which they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston presented the petition of sundry justices of the peace and constables of Adams county, praying for the passage of a law authorizing such officers to collect cost on fee bills; which was read, and,

On motion of Mr. Ralston,

Referred to the committee on the Judiciary.

Mr. Henry presented the petition of sundry citizens of Bethel and Morgan city, praying to reinstate Wm. H. Delph, agent of the Northern Cross railroad; which was read, and,

On motion of Mr. Henry,

Referred to the committee on Internal Improvements.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to vacate a part of the town plat of Meredosia,"

reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Little, from the same committee, to which was referred the bill, entitled "An act to extend the jurisdiction of justices of the peace," reported the same back without amendment, and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Markley moved to refer said bill to the committee on Counties.

Mr. Little moved to lay the same on the table; which was not agreed to.

And the question then being taken upon referring said bill to the committee on Counties,

It was decided in the affirmative.

Mr. Little, from the same committee, to which was referred a resolution in relation to the salaries of prosecuting attorneys, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Ross,

Said resolution was laid on the table.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled a bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30, 1840.

And also, that they have this day laid the same before the Council of Revision.

Mr. Little, from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the Rock River Seminary, in Ogle county, Illinois," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Ralston, from the committee on the Judiciary, to which was referred a resolution in relation to granting to county commissioners' courts judicial powers in certain cases, reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to, and,

On motion of Mr. Hamlin,

Laid on the table.

Mr. Little, from the committee on Incorporations, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,'" approved March 2, 1839, reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Little, from the same committee, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to extend the corporate powers of the town of Pekin,'" approved February 23, 1839, reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Hamlin moved the adoption of the following resolution, viz:

*Resolved by the Senate and House of Representatives, That no new business shall be received in either branch of the General Assembly, after Monday the 8th of the present month.*

Mr. Richardson moved to lay the same on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Gibbs, Hacker, Harris, Herndon, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt—19.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Feaman, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, and Stapp—14.

Mr. Allen moved the adoption of the following resolution, viz:

*Resolved*, That after Saturday, the 6th instant, the standing hour of adjournment shall be nine o'clock, A. M.

Mr. Davidson moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Gibbs, Hacker, Harris, Harrison, Herndon, Hunter, Johnston, Little, Parrish, Ralston, Slocumb, Snyder, and Stadden—14.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Hamlin, Henry, Houston, James, Killpatrick, Markley, Moore, Nunnally, Pearson, Richardson, Ross, Sargent, Stapp, Warren, and Witt—22.

And the question then being taken on the adoption of said resolution, It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Gibbs, Hamlin, Harrison, Henry, Houston, Hunter, James, Killpatrick, Markley, Moore, Nunnally, Pearson, Ross, Sargent, Stapp, Warren, and Witt—24.

Those voting in the negative, are,

Messrs. Davidson, Hacker, Harris, Herndon, Johnston, Little, Parrish, Ralston, Richardson, Slocumb, Snyder, and Stadden—12.

Mr. Davidson moved to suspend the order of business for the purpose of enabling the chairman of the committee on Finance to make a report; which was agreed to.

Whereupon,

Mr. Gatewood, from the committee on Finance, to which was referred a bill, entitled "An act to amend an act, entitled 'An act relating to the Gallatin Salines and the lands belonging to the same,'" approved January 16, A. D. 1836, reported the same back without amendment.

Mr. Parrish moved to amend the bill by filling the first blank with the name of William J. Gatewood, and the remaining blank in the first section with the word "Gallatin;" which was agreed to, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Killpatrick moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Finance, to which was referred a bill for "An act to amend an act, entitled 'An act to regulate tavern and grocery license,'" be instructed to report the same to the Senate by to-morrow morning; which was agreed to.

Whereupon,



Mr. Gatewood, from the committee on Finance, made the following report, viz:

The committee on Finance, to which was referred a bill for "An act to amend an act, entitled 'An act to regulate tavern and grocery license,'" have had the same under consideration, and by resolution of the Senate, report the same back without amendment.

Mr. Davidson moved to lay said bill and report on the table; which was decided in the negative.

And said bill was

*Ordered* to a third reading.

Mr. Killpatrick moved to reconsider the vote just taken, on ordering said bill to a third reading; which was not agreed to.

Mr. Richardson introduced a bill, entitled "An act for the relief of purchasers of Canal lots;" which was read, and

*Ordered* to a second reading.

Mr. Richardson moved to dispense with the rule, and read said bill the second time by its title; which was not agreed to.

Mr. Stapp moved to suspend the order of business for the purpose of taking up the resolution contained in a message from the House of Representatives in relation to the election of certain officers.

Mr. Ralston moved that the Senate adjourn; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Moore, Nunnally, Parrish, Ralston, Richardson, Slocumb, Snyder, and Warren—21.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Markley, Pearson, Ross, Sargent, Stapp, and Witt—15.

## SATURDAY, FEBRUARY 6, 1841.

Senate met pursuant to adjournment.

Mr. Snyder presented the petition of John H. Deck, asking compensation for the apprehension of John Donner, a convict for the crime of rape, and,

On motion of Mr. Snyder,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Sargent moved the adoption of the following resolutions, viz:

*Resolved by the General Assembly of the State of Illinois, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to use their influence to effect a change in the Constitution of the United States, so that any President, hereafter elected, shall not be eligible to a re-election to the same office.*

*Resolved, further, That the Governor transmit a copy of the foregoing resolutions to each one of our delegates in Congress.*

Mr. Pearson moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Harris, Hunter, Markley, Moore, Pearson, Ralston, and Richardson—10.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gibbs, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Johnston, Killpatrick, Little, Parrish, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—24.

Mr. Ralston moved to refer said resolutions to the committee on the Judiciary; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Hunter, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, and Stadden—18.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Stapp, Warren, and Witt—16.

Mr. Parrish moved the adoption of the following preamble and resolutions, viz:

*Whereas*, it is one of the principles of a free government to impose no unnecessary taxes and burdens upon the people; *And whereas*, the West Point Academy was established as the nursery for the military genius of our American youths, thereby furnishing our army with skillful officers, and giving that order of talent a proper direction; *And whereas, also*, the history of that institution, for more than twenty years past, has demonstrated the fact, that it has failed in the objects of its creation, having never yet furnished the army a skillful officer of ability, but on the contrary has been the hot bed of favoritism and aristocracy, and officers from that institution have, on a late occasion during our Seminole hostilities, shamefully resigned at a time their country expected of them bravery and patriotism; thus proving that there is an inherent defect, as well in the selection as education of youths there; therefore,

*Resolved by the General Assembly*, That our Senators in Congress be instructed and our Representatives requested to use their endeavors to reform the abuses, not only in the selection of candidates to be educated there at the public expense, but in the education itself, and in case both these evils cannot be removed to vote against any more appropriations of money for said institution.

*Resolved*, That the Governor transmit a copy of these resolutions to each member of our delegation in Congress.

Mr. Churchill moved to amend said preamble and resolutions by striking out the preamble, and all after the resolving clause, and insert the following, viz:

"That our Senators in Congress be instructed, and our Representatives be requested to endeavor to procure the abolition of the Military Academy at West Point.

Mr. Fithian moved to refer the preamble, resolutions, and proposed

amendments to the committee on the Judiciary; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Fithian, Gibbs, Hamlin, Henry, James, Killpatrick, Little, Ross, Sargent, Slocumb, and Stapp—14.

Those voting in the negative, are,

Messrs. Davidson, Evans, Feaman, Gaston, Hacker, Harris, Harrison, Herndon, Houston, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—22.

On motion of Mr. Little,

The preamble, resolutions, and proposed amendment, were laid on the table.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed a bill of the following title, viz:

"An act to compel the school commissioner of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties."

In which they ask the concurrence of the Senate. And he withdrew.

Mr. Parrish moved the adoption of the following resolution, viz:

*Resolved,* That in the printed Journal of the Senate of 1838-'9, at page 270, of said Journal, where it reads "and the question being taken on the first branch of said resolution that it is expedient &c. to establish a United States Bank on any terms," there is an error, the word "inexpedient" should have been inserted as it reads in the original resolution, and as it now reads in the transcript journal.

Mr. Allen moved to refer the same to the committee on the Judiciary; which was decided in the affirmative.

Mr. Fithian introduced a bill, entitled "An act to provide for consulting the will of the people, and to suspend for a time the law to reorganize the judiciary of the State of Illinois;" which was read the first time.

And the question being taken, on ordering said bill to a second reading, It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Johnston, Killpatrick, Little, Pearson, Ross, Sargent, Slocumb, Stapp, and Warren—17.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, Snyder, and Stadden—18.

Mr. Moore introduced a bill, entitled "An act to incorporate the Le Roy Manual Labor University;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, and referred to the committee on Incorporations.

Mr. Little introduced a bill, entitled "An act to incorporate the Nauvoo House Association;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

Mr. Speaker laid before the Senate a communication from Thomas Mather, containing a memorial of the President and Directors of the State Bank of Illinois, in relation to the suspension of specie payment by said Bank; which was read, and,

On motion of Mr. Allen,

*Ordered*, That the same be laid on the table, and published in the volume of Reports.

Mr. Richardson moved to suspend the order of business for the purpose of taking up a bill, entitled "An act fixing the manner of holding Congressional elections;" which was not agreed to.

The engrossed bill, entitled "An act for the transcribing certain records in Tazewell county," was read the third time, and passed.

Mr. Richardson moved to amend the title so as to make it read, "An act to prevent just men from having their rights, and to encourage speculation;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Ralston, Richardson, and Snyder—6.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Parrish, Pearson, Ross, Sargent, Slocumb, Stadden, Stapp Warren, and Witt—28.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act to amend an act, entitled 'An act to extend the corporate powers of the town of Pekin,'" approved February 23, 1839;

"An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,'" approved March 2, 1839;

"An act to amend an act, entitled 'An act relating to the Gallatin Salines and the lands belonging to the same,'" approved January 16, A. D. 1836;

"An act to vacate a part of the town plat of Meredosia;" and  
"An act to locate and establish a State road therein named;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act for the relief of purchasers of canal lots," was read the second time, and,

On motion of Mr. Allen,

Referred to the committee on Canals and Canal Lands.

The bills from the House of Representatives, entitled

“An act to extend the provisions of an act, entitled ‘An act to provide for the dedication of lots, in towns situated on canal lands, to public purposes,’” approved February 28, 1839; and

“An act changing a town plat therein named;”

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled “An act to amend an act, entitled ‘An act to regulate tavern and grocery licenses;”” was read the third time.

Mr. Churchill moved to amend the same by adding the following as an additional section, viz:

“SEC. If a majority of the legal voters in any county, justices district, incorporated town, or ward in any city, shall petition the county commissioners’ court, or other authority authorized to grant grocery licenses, desiring that no license shall be granted for the retailing of spirituous liquors within the bounds of said county, justices district, incorporated town or ward of any city, then, and in that case, it shall not be lawful to grant any license for retailing spirituous liquors within said county, justices district, incorporated town or ward of any city, until a majority of the legal voters in said county, justices district, incorporated town or ward of any city, shall in the like manner petition for the granting of said licenses. Any petition in favor of granting a grocery license to any one or more persons, shall not be construed to authorize the granting of a grocery license to more or other persons than those expressly petitioned for;” which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Cullom, Fithian, Hamlin, Herndon, Houston, Hunt, Killpatrick, Ralston, Ross, and Warren—11.

Those voting in the negative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gibbs, Hacker, Harrison, Henry, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Sargent, Slocumb, Snyder, Stadden, Stapp, and Witt—24.

And on the question—“Shall said bill pass?”

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Davidson, Evans, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harrison, Henry, Hunter, James, Johnston, Little, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—28.

Those voting in the negative, are,

Messrs. Churchill, Fithian, Herndon, Houston, Killpatrick, and Nunnally,—6.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled “An act for the relief of J. D. Morrison,” was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act creating a Board of Auditors to settle the accounts of contractors on public works," was read, and

*Ordered* to a second reading.

On motion of Mr. Harrison,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Markley moved to amend said bill by adding the following provision: viz:

"*Provided*, That said board shall also have power to settle with contractors on railroads for damages where the State failed to comply with said contract on her part."

Mr. Little moved to refer said bill and the proposed amendment to the committee of the whole Senate, and made the order of the day for Monday next; which was decided in the affirmative.

The bill from the House of Representatives, entitled "An act in relation to the school fund," was read, and

*Ordered* to a second reading.

On motion of Mr. Johnston,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Ralston moved to refer said bill to the committee on School Lands and Education; which was agreed to.

The bill from the House of Representatives, entitled "An act to provide for the collection of taxes for the year 1839, in Cass county," was read, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, and said bill read the second time by its title, and referred to a select committee.

*Ordered*, That Messrs. Witt, Sargent, and Moore, be that committee.

The bill from the House of Representatives, entitled "An act to create the county of Grundy, from the county of La Salle," was read, and

*Ordered* to a second reading.

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Counties.

The bill from the House of Representatives, entitled "An act to compel the school commissioner of Cook county to pay over certain moneys to the school commissioners of Witt, Du Page, McHenry, and La counties," was read, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act to extend the location of the Darwin and Charleston Turnpike from Charleston to Springfield," was read, and,

*Ordered* to a second reading.

On motion of Mr. Nunnally,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Gaston,

Referred to the committee on Public Roads.

The bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes,'" contained in the message from the House of Representatives, as amended by them, was taken up,

And on the question—"Will the Senate concur with the House of Representatives in their amendment to said bill?"

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

The resolution contained in the message from the House of Representatives in relation to the message of the Senate upon the disagreeing vote of the two Houses upon the apportionment resolution, was read, and,

On motion of Mr. Little,

Laid on the table.

The resolution contained in the message from the House of Representatives, in relation to the adjournment of both branches of the General Assembly on the first day of March next, was read.

Mr. Stadden moved to lay the same on the table; which was decided the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Herndon, Houston, Hunter, James, Markley, Nunnally, Pearson, Ralston, Snyder, and Stadden—13.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gibbs, Hacker, Hamlin, Harrison, Henry, Johnston, Killpatrick, Little, Moore, Parrish, Ross, Sargent, Slocumb, Warren, and Witt—20.

Mr. Herndon moved to refer the same to the committee on the Judiciary; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Herndon, Houston, Hunter, James, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, and Witt—19.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Johnston, Killpatrick, Little, Ross, Sargent, Slocumb, and Warren—15.

On motion,

The Senate adjourned.

MONDAY, FEBRUARY 8, 1841.

Senate met pursuant to adjournment.

Mr. Speaker appeared and took the chair.

Mr. Little, from the committee on Incorporations, to which was referred the bill, entitled "An act to incorporate the Nauvoo House Association" reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Johnston from the committee on the Judiciary, to which was referred a resolution in relation to a change in the Constitution of the United States, so as to make the President eligible for one term only, reported the same back without amendment, and recommended its adoption.

And the question being taken on the adoption of said resolution, It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Hacker, Hamlin, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Little, Moore, Richardson, Ross, Slocumb, Snyder, Stadde, Stapp, Warren and Witt—26.

Those voting in the negative, are,

Messrs. Gibbs, Herndon, Markley, Pearson, and Ralston—5.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act concerning public roads;"

"An act to locate a State road in Bond, Madison, and St. Clair counties"

"An act to relocate the county seat of Lake county;"

"An act concerning assessors;"

"An act changing the name of the town of Chatham, in Whiteside county;"

"An act concerning the revenue in Bond county;"

"An act for the relief of James McKee;"

"An act in relation to summoning witnesses;"

"An act to authorize the building of a toll draw-bridge across the Ca met river;"

"An act making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;"

"An act to authorize the county commissioners of Brown county to appoint an assessor;"

"An act to authorize James M. Strode to build a mill-dam across the river;" and

"An act to authorize the proprietors of Metropolis city, in the county of Johnson, to alter the plat thereof."

In the passage of which they ask the concurrence of the Senate.



I am also directed to inform the Senate that they have adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* that a joint select committee of one on the part of the Senate and two from the House of Representatives, be appointed to memorialize Congress to establish a marine hospital at the city of Chicago. And he withdrew. Mr. Hacker, from the committee on Internal Improvements, to which was referred the petition of E. Doyle, asking for compensation for certain losses, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Hacker,  
Said petition was laid on the table.

Mr. Hacker, from the same committee, to which was referred the report from the Governor containing the letter of Samuel Allinson, in relation to the failure of Messrs. Wright & Co., reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Hacker,  
Said report was laid on the table.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill, entitled "An act to facilitate the collection of judgments by executors and administrators," reported the same back with an amendment; which was concurred in, and said bill, as amended, was  
*Ordered* to be engrossed and read a third time.

Mr. Hacker, from the committee on Internal Improvements, to which was referred five several resolutions in relation to subjects of internal improvements, reported the same back, and asked to be discharged from the further consideration of the subjects therein mentioned; which was agreed to, and,

On motion of Mr. Parrish,  
Said resolutions were laid on the table.

Mr. Ralston, from the committee on the Judiciary, to which was referred the resolution in relation to an error in the Journal of the Senate of 1879, made a report in relation to the same; which was read and concurred in.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the report of John D. Whiteside, as Treasurer and agent of Illinois, in relation to the completion of the Northern Cross railroad, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and,

On motion of Mr. Hacker,  
Said report was laid upon the table.

Mr. Moore, from the committee on Counties, to which was referred the report from the House of Representatives, entitled "An act to extend the limits of Bond county," reported the same back with an amendment; which was concurred in.

Mr. Churchill moved further to amend said bill by striking out all of said bill after the word "township," in the eleventh line, and insert the following, viz:

Six north, range five west, thence east to the range line between ranges four and five west, thence north, on said range line, six miles to the

place of beginning shall be attached to and form a part of the county Bond;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Harrison, Henry, K  
patrick, Little, Ross, and Stapp—10.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Gatewood, Gibbs, Hacker, Hern  
Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parri  
Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, and Witt—22.

Whereupon, said bill was

*Ordered* to a third reading, as amended.

Mr. Ralston, from the committee on the Judiciary, to which was  
ferred a bill from the House of Representatives, entitled "An act to  
cate town plats," reported the same back with an amendment; which  
concurred in, and said bill, as amended, was

*Ordered* to a third reading.

Mr. Cullom introduced a bill, entitled "An act supplemental to an  
to amend an act, entitled 'An act to regulate tavern and groceries,'" wh  
was read, and

*Ordered* to a second reading.

On motion of Mr. Gaston,

The rule was dispensed with, and said bill read the second time by  
title, and,

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

Mr. Pearson introduced a bill, entitled "An act to require clerks of  
cuit courts to pay all monies received by them to the treasurer and r  
der an account;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by its ti  
and referred to the committee on the Judiciary.

Mr. Gaston introduced a bill, entitled "An act to dispense with adv  
tising the time of holding general elections;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gaston,

The rule was dispensed with, said bill read the second time by its ti  
and referred to the committee on the Judiciary.

Mr. Ralston introduced a bill, entitled "An act to prevent a misapp  
cation of public money on the line of the Illinois and Michigan cana  
which was read, and

*Ordered* to a second reading.

Mr. Ralston moved to dispense with the rule and that the bill be n  
read the second time by its title; which was not agreed to.

Mr. Slocumb introduced a bill, entitled "An act to authorize the M  
Carmel and Alton Railroad Company to construct the Southern Cr  
railroad;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Slocumb,

The rule was dispensed with, and said bill read the second time by  
title, and referred to the committee on Internal Improvements.

The engrossed bill, entitled "An act to incorporate the Rock river  
minary, in Ogle county, Illinois," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary in-  
form the House of Representatives thereof, and ask their concurrence  
therein.

The bill from the House of Representatives, entitled "An act to compel  
the school commissioner of Cook county to pay over certain moneys to  
the school commissioners of Will, Du Page, McHenry, and La Salle coun-  
ties," was read, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act concern-  
ing public roads," was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title,  
and referred to the committee of the Whole Senate, and made the order  
the day for to-morrow.

The bill from the House of Representatives, entitled "An act to locate  
State road in Bond, Madison, and St. Clair counties," was read, and

*Ordered* to a second reading.

On motion of Mr. Gaston,

The rule was dispensed with, said bill read the second time by its title,  
and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act for the  
relief of James McKee," was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule of the Senate was dispensed with, said bill read the second  
time by its title, and referred to the committee on the Judiciary.

Mr. Baker moved to suspend the order of business for the purpose of  
taking up a communication from the Governor, nominating a notary pub-  
lic in Springfield; which was not agreed to.

The bill from the House of Representatives, entitled "An act to relo-  
cate the county seat of Lake county," was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second and third times  
by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary in-  
form the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act concern-  
ing assessors," was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, and said bill read the second time by its  
title, and,

On motion of Mr. Moore,

Referred to the committee on Finance.

The bills from the House of Representatives, entitled  
"An act concerning the revenue in Bond county," and

"An act to authorize the building of a toll draw-bridge across the Calmet river;"

Were severally read, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act to authorize the county commissioners of Brown county to appoint an assessor" was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Elections.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act changing the name of the town of Chatham, in Whiteside county," and

On motion of Mr. Harrison,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Hacker,

Referred to a select committee.

*Ordered*, That Messrs. Hacker, Harrison, and Hamlin, be that committee.

The bill from the House of Representatives, entitled "An act in relation to summoning witnesses," was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act making compensation to John L. Heffington, and others for the apprehension of Aaron and William Todd," was read, and

*Ordered* to a second reading,

On motion of Mr. Henry,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Finance.

The bill from the House of Representatives, entitled "An act to authorize James M. Strode to build a dam across Fox river," was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second time by its title and,

On motion of Mr. Stadden,

Referred to a select committee.

*Ordered*, That Messrs. Stadden, Pearson, and Harrison, be that committee.

The bill from the House of Representatives, entitled "An act authorizing the proprietors of Metropolis City, in the county of Johnson, to alter the plat thereof," was read, and

*Ordered to a second reading.*

On motion of Mr. Gibbs,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The amendment to a resolution of the Senate in relation to the election of certain officers contained in the message from the House of Representatives, was read, and,

On motion of Mr. Ross,

Laid on the table.

The memorial contained in the message of the House of Representatives in relation to an alteration of the land laws, &c. was read.

Mr. Ralston moved to amend the same by striking out the words "when such lands shall have been in market for five years," whenever they occur; which was decided in the affirmative.

And the question then being taken on the adoption of the resolution, as amended,

It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives hereof, and ask their concurrence therein.

The resolution contained in the message of the House of Representatives, having for its object the appointment of a joint select committee to draft a memorial to Congress to establish a marine hospital at the city of Chicago, was read and concurred in.

*Ordered,* That Mr. Pearson be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to return to the Senate the bill, entitled "An act to reorganize the Judiciary of the State of Illinois," together with their written objections in relation to the same; which objections are as follows, viz:

The undersigned, members of the Council of Revision, have had under consideration the bill, entitled "An act to reorganize the Judiciary of the State of Illinois," and having bestowed upon it that attentive consideration which the nature and importance of its provisions demand, feel constrained to return the same to the Senate as improper to become a law, because, in the judgment of the undersigned, its passage would be fraught with incalculable evils to the people of this State.

The first objection which presents itself, is the sweeping repeal of all acts and parts of acts establishing circuit courts in this State. How far this repeal may effect important interests cannot be clearly foreseen, and may occasion much mischief. The bill no where, in express terms, provides for the creation or re-establishment of circuit courts in each of the counties of this State.

By the 17th section of the act regulating the Supreme and Circuit Courts, passed 19th of January, 1829, it is declared that, "It shall be the

duty of the said Judges, respectively, to hold two terms annually in each county in their respective circuits, in conformity to law; which courts shall be holden respectively at the times and places now, or hereafter to be prescribed by law; and the said courts shall be styled "circuit courts for the counties in which they may be held respectively."

The 18th section of said act confers jurisdiction on said circuit courts over all matters and suits at common law, and in chancery; and the 20th section of said act confers criminal jurisdiction. Now, if the first section of the bill, repealing all laws establishing circuit courts, repeals these provisions of the judiciary act of 1829, may not doubts hereafter arise whether the present bill provides for the re-establishment of a circuit court to be holden in each county in the respective circuits which can be considered the legal successor of the repealed courts? Can it be said to follow, as a necessary consequence, because the third section of the bill divides the State into "nine judicial circuits," that, therefore, there is re-established circuit courts in each of the counties of this State? Does not the fourth section of the bill leave the question as uncertain as the third? This section provides for continuing over to the circuit courts, created by this act, all suits &c. Where, it may be asked, is the provision in the bill creating circuit courts in each of the counties of the State? This ambiguity in the phraseology of the bill may lead to doubt and uncertainty in its construction. The bill is also defective in not providing that the newly created circuit courts, if such there be, shall have power to issue executions on judgments and decrees already rendered in such repealed courts. This omission may occasion much embarrassment to judgment creditors and suitors in chancery. The bill is, however, obnoxious to objections of a graver character than those above referred to, as it respects its operations upon the interests of the people of this State. It is believed by the undersigned that the system proposed to be put in operation by this bill will be found to be wholly inadequate to the wants of a great and growing community like ours, and to impose burdens upon the people inconsistent with the speedy and proper administration of justice.

The attention of your honorable body is, therefore, respectfully invited to some of the considerations that the undersigned deem important to be kept in view, in coming to a just conclusion upon this subject, and which will be presented in as concise and intelligible form as the nature of the task, and the pressure of other important and urgent duties will allow. The bill under consideration, after repealing out of office all the circuit Judges, provides for the appointment of five Judges of the Supreme Court who, together with the four now in office, are required to hold the Supreme Court in all the circuit courts in the State. This is a requisition, in the opinion of the undersigned, that will be found physically impossible. There are now nine circuit Judges, who have no other duties to perform than to hold the circuit courts; yet, without any fault on their part, but from the magnitude of the business, and the want of time, they have been unable to do the business in these courts. This fact is notorious to all conversant with judicial proceedings, and to many members of the legislature, and is also confirmed beyond doubt or denial by the dockets of their courts, which show that hundreds of cases, in a large number of the populous counties, have remained untried from time to time for the want of

me to reach them in their order on the docket; thus occasioning great expense, vexation, and loss of time to parties and witnesses. When, therefore, the judicial functions of the Supreme and Circuit Courts, and those of a Council of Revision, also, are all devolved upon nine Judges, it must be manifest to the most superficial observer, as well as those in any degree acquainted with the nature and extent of their duties, that they are greater than are compatible with the abilities of that number of Judges to accomplish, and consequently greater than accords with the best interests of the people. Should any one be disposed to doubt the correctness of this proposition, that doubt can be easily removed by the simple rule of addition, by adding the time which the Judges of the Supreme Court are necessarily occupied in presiding in that court, and acting as a Council of Revision, to the time required to accomplish the business in the circuit courts. It will be seen that fifty-two weeks are inadequate to the performance of all these multifarious duties in the order of succession in which they must be performed by the nine proposed Judges.

The constitutional and paramount obligations of the Supreme Court, are, to act as members of the Council of Revision during the session of the Legislature, and to preside in the Supreme Court until all the business of that court is disposed of. The time that will be thus occupied this winter, including travel to and from the seat of government, will not fall short of four months, even under the supposition that the Supreme Court will be ready to adjourn as soon as the Legislature, which was not the case last winter. The business of the summer term of the Supreme Court, including necessary travelling to and from court, will require from six to eight weeks. The last summer term occupied those who live most remote from the seat of government six weeks, and the business has increased since that time; but allowing only seventeen weeks for the winter terms, and seven weeks for the summer terms, including travel and the time occupied by the Judges of the Supreme Court at the seat of government, will be twenty-four weeks. Take, then, for example, the ninth circuit, and suppose the Judge of that circuit, immediately on his return home, should commence holding the circuit courts; it would require twenty-six weeks, as the law now stands, to hold the spring and fall circuits, and still leave an immense amount of business untouched for want of time. This circuit is referred to because the information in relation to the length of time the courts were held in it last year, and the crowded state of the dockets, can be relied on. It then clearly appears, if this bill goes into operation, that the Judge who shall be assigned to this circuit, will be required, in addition to twenty-four weeks occupied at the seat of government, to hold circuit courts for twenty-six weeks more, and still leave a great amount of business untouched.

In several of the circuits it is confidently stated, by individuals well acquainted with the subject, that unless the terms are lengthened at least one half, that the business of those courts will remain on the docket for years, without any possibility of the suits being tried or disposed of. In making this calculation the undersigned have taken for their data the time actually employed at the seat of government, and the time employed in holding the courts in the ninth circuit under the existing law.

When, therefore, it is taken into consideration that the business of the

Supreme Court is rapidly increasing, and that the time allowed by law to many of the circuit courts is so much too short that, with all the exertion of the Judges, not more than half or two-thirds of the business can be performed, it is clear that the time allowed to these circuit courts must be greatly extended or the circuits divided, and additional Judges appointed, otherwise, there will be such a delay in the administration of justice, as will be in many cases equivalent to a denial.

From this view of the nature and extent of the judicial business of the State, it must be apparent to the understanding of every man that it is physically impossible for nine Judges to perform the duties enjoined upon them by this bill. But suppose it was possible that, by a total abandonment of their homes and a consequent neglect of their families and private business, they could, by an entire devotion of their minds and bodies to the service of the State, make out to hurry through the business of the courts, and decide all of the causes as they might be ready for trial, the undersigned would respectfully ask, is it good policy on the part of the State, or is it just, or liberal in the legislative department of the government, to impose upon a co-ordinate branch of the Government burdens so onerous and unprecedented? The undersigned forbear to remark upon the character of the measure in reference to the Judiciary; but may be allowed to say, that, in their judgment, the operation of the bill will be prejudicial to the rights of the citizens and the character of the State.

Judicial decisions in courts of the last resort not only effect the interest of the suitors, but, like legislative enactments, are of importance to the whole community, because they form rules of former action. It frequently becomes the duty of the Supreme Court to adjudicate upon the most intricate, grave, and important causes; in so doing, the court must necessarily settle principles of the greatest importance, whether constituted in reference to the immediate amount involved, the sacredness of the rights affected, or the extent and universality of their applications. As the judgment of this tribunal is final, it must be apparent that an erroneous decision may occasion the most extensive and irreparable mischief.

It is, therefore, of the highest importance that every opportunity should be afforded this tribunal for a full and thorough investigation of the cause brought before it. The questions this court may be thus called upon to decide, are not only of vital importance in their nature and results but may be proportionably intricate and embarrassing in their character. Will it then be contended that in such a case the court should decide upon first impressions, without time and opportunity to examine it in all its aspects and bearings? The fate of this bill will determine. At each term of the Supreme Court there are from thirty to fifty causes continued to the succeeding term, in order to have an opportunity of investigating all the points involved, to examine the records in the causes, to search for, and compare authorities; and when a result is arrived at and agreed upon, then to write out the opinions, so as not only to settle a controversy between the parties, but to serve as a rule for the government of similar cases. The discharge of this laborious and responsible duty, it must be manifest to every understanding, cannot be accomplished in a few days.

The principal duties of a Judge, upon his circuit, ends with the adjournment of the court, but it is far otherwise with the members of



part of the last resort. The investigation of causes that continue under  
 rishment, forms the most laborious part of their official functions, and the  
 st of the time allowed under the present arrangement, may be thus  
 fitably employed.

The organization of the courts, proposed by the bill, is obnoxious to  
 other objection, so deeply affecting the rights and interests of every  
 tion of society, that the undersigned cannot refrain from calling your  
 attention to the subject. For nearly half of the year all the Judges will  
 by this bill, drawn to the seat of government, and consequently the  
 formance of all their functions must cease in every other portion of  
 State. It results, as a necessary consequence, that many writs and or-  
 s that are absolutely necessary in the administration of justice must  
 obtained from these Judges at considerable expense and delay of  
 ors. This objection, however worthy of consideration, is neverthe-  
 of small moment when compared with other consequences arising out  
 the detention of all the Judges of the State at the seat of government.  
 e passage of this bill will totally preclude the possibility of holding  
 rial terms for the despatch of civil business, or for the trial of per-  
 s committed to jail for crime; a matter of vital importance, as well to  
 whole community as to the prisoner. It is well known that the jails  
 many of the counties are very insecure; this circumstance is often the  
 se of heavy expenses to such counties by compelling them to hire a  
 rd. In addition to the heavy burthens thus unnecessarily thrown upon  
 nties, in guarding and in supporting prisoners for nearly half a year,  
 rights of the prisoners are also disregarded by being detained in an  
 comfortable jail during the most inclement season of the year, and thus  
 ect to much deprivation and suffering before trial. Any unnecessary  
 ering inflicted on those charged, but not convicted of crime, is equally  
 ar with the principles of justice and humanity. Should the prison-  
 however, be found innocent of the charge, his long imprisonment and  
 ring will be a severe reproach to the institutions of our country, as  
 as an unmerited and irreparable calamity to the injured individual,  
 is left without remuneration for his lost time, and without redress  
 his aggravated sufferings.

is undoubtedly the duty of the State to provide for the prisoner as  
 y a trial as the circumstances of the county will permit. This is  
 anted by the express terms of the constitution, and is dictated by  
 ee and humanity. But neither the spirit of the constitution, nor the  
 iples of justice, can be carried into efficient operation under the  
 rial system proposed by this bill.

ne passage of this bill may also seriously interrupt the sessions of the  
 uit courts, if, during their sessions, there should arise an emergency  
 special call of the Legislature. The Judges would then be under  
 necessity of immediately abandoning their circuits, and leaving the  
 ness, no matter how great or how pressing, undisposed of, to attend  
 e seat of government.

ne bill makes no provision for a state of things which, in the opinion  
 e undersigned, may work great injury and inconvenience to persons  
 suitors in courts. Some of the circuit courts are now, according to  
 n session, and will doubtless continue in session until they are ap-  
 d in an official manner of the final passage of this bill. All their

adjudications and proceedings, after this bill becomes a law, will be null and void. And all persons concerned in executing the same, or any process under them, will be trespassers.

The undersigned can perceive no reason in the fact, that because the Legislature, in January, 1827, repealed the then circuit court system, it would be proper and expedient to do so now. Since that time the population of this State has increased from about seventy-five thousand to nearly half a million; and in greater proportion than the increase of population has been the increase of business. Our wants have become multiplied and complicated with every accession to our population. At the time of the former repeal of the circuit system there were but thirty-eight counties in this State, many of them having hardly business enough to occupy the courts for one day. Now the case is entirely different. We have nearly one hundred counties, many of them with an extremely numerous, enterprising, and business population, demanding from the government an increase of the facilities for enabling them to assert and determine their legal rights, instead of a diminution of those to which they have been accustomed for years past.

In many of the circuit courts of this State it has been found impossible to dispose of the business that has been accumulating within the last three or four years; although the Legislature has doubled, and in some instances trebled, the length of time formerly allowed them for holding their courts. This, however, is not matter of surprise: it is the inevitable effect of the march of civilization and prosperity. The undersigned are, therefore, clearly of opinion, that what may have been wise and proper then, may be highly impolitic, nay, even ruinous, now. Nor do they believe that an argument can be drawn in favor of the proposed plan, from the system adopted by the Federal Government in the organization of her Judiciary department. That system, doubtless, is found to work well in practice, and to answer the purpose for which it was designed. But it must be borne in mind that the Supreme Court of the United States does not form a Council of Revision, as do the Judges of the Supreme Court of this State; that the Federal courts are courts of limited and defined jurisdiction, having no right to adjudicate upon cases except in a very few instances, when it was supposed or feared that the State courts would not afford adequate relief to one or other of the parties. This prevents, to a great extent, the overwhelming increase of business in those courts which takes place in our own, and renders the system inapplicable to us, applicable and proper to them. In addition to this, the undersigned would remark, that the jurisdiction of the courts extends over twenty-six States, each having a distinct and separate system of laws and practice, and which laws and practice, except in a few cases, are to be adopted by the Federal courts. These circumstances may render it highly proper that the Judges of the Supreme Court of the United States should perform circuit duties, and acquire knowledge of the practice and laws of those States, with reference to which they are called upon to give their opinions at Washington City. But surely no such state of things exists here. There is not a distinct code of laws, or system of practice, applicable to each of the counties of this State. One uniform system prevails over the whole. In every part it is, or should be, the same. Certainly, then, no analogy can be found

to exist between the Judiciary system of the Federal Government and that of this State, from which an argument could be drawn in favor of the system proposed by this bill.

Perhaps it may not be amiss here to inquire, if the system of the Federal Judiciary would be useful and proper for the adoption of the States, why some of the neighboring States, whose condition and circumstances are similar to our own, have not before this time adopted it, and thus availed themselves of its benefits?

In every point of view in which the proposition contained in the bill before us has presented itself, difficulties and obstacles arise so great and manifest, that the undersigned are constrained, by a sense of duty to the country, to return the bill with their objections.

WM. WILSON,  
SAM'L. D. LOCKWOOD,  
THOMAS C. BROWNE.

FEBRUARY 8, 1841.

The undersigned is constrained, from an imperious sense of duty, which he may not omit, to concur in returning the "act reorganizing the Judiciary of the State of Illinois," submitted to the revision of the Council, as improper to become a law, for reasons which in his judgment are of the most forcible and conclusive character.

He is well aware of the high consideration and respect with which the acts of one co-ordinate department of the government should be examined and treated by the others; nor is he less mindful of the duties imposed on him by the situation he occupies, and the solemn obligations by which he stands bound to perform them.

The deep importance of the objects contemplated by the bill, and the radical change it proposes to effect in the judicial system of the State, certainly demand the most grave and earnest consideration.

And the more especially so when it is perceived that, if carried into operation, no power remains ever to retrace the step, short of a change of our State constitution, through the medium of a convention of the people, acting by their delegates in their sovereign capacity, no matter how much the great interests of the people may demand it.

Such being the case, it is submitted to the consideration of those who must be the ultimate arbiters in the matter, whether it ought not to be well ascertained, and placed beyond doubt, that the change proposed is demanded by some absolute public necessity; and justified as well by the beneficial results which should be certain to follow the adoption of the act, as the constitutional exercise of the power to pass it.

Before proceeding to state the principal objection entertained by the undersigned to the adoption of the act, it becomes a matter of some importance, and that the force of the objections to be stated may be better understood, to examine the position which the legislative department occupies in regard to the constitution under which it acts.

So well satisfied is the mind of the undersigned, that on the present occasion, the position referred to has been defined by the clear and lucid mind of one of the greatest constitutional Judges of the country, that, in addition to the force and respect with which it will be received, its appropriateness on the present occasion, it is supposed, will be readily admit-

ted. The late Chief Justice Marshall, in the case of *Marbury vs. Madison*, remarked:

"The question, whether an act repugnant to the constitution can become the law of the land, is a question deeply interesting to the United States, but happily not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles supposed to have been long and well established to decide it.

"That the people have an original right to establish for their future government such principles as in their opinion shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will, organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

"The government of the United States is of the latter description. The powers of the Legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if their limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation.

"It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or that the Legislature may alter the constitution by an ordinary act. Between those alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the Legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the constitution is not law. If the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable. Certainly all those who have framed written constitutions, contemplate them as forming the fundamental and paramount law of the nation; and consequently, the theory of any such government must be, that an act of the Legislature repugnant to the constitution is void.

"This theory is essentially attached to a written constitution, and consequently to be considered as one of the fundamental principles of our society."

Again, he remarks:

"Those, then, who controvert the principle, that the constitution is to be considered as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very formation of all written constitutions. It would declare that an act which, according to the

principles and theory of our government, is entirely void, is yet in practice completely obligatory. It would declare that if the Legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the Legislature a practical and real omnipotence with the same breath which professes to restrict their power within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure. That it thus reduces to nothing what we have deemed the greatest improvement on political institutions. A written constitution would of itself be sufficient in America, where written constitutions have been received with so much reverence, for rejecting the constitution."

If, then, sound and incontrovertible propositions be applied to the act under consideration, it will be seen with what peculiar force they bear on the unconstitutional character of the law proposed. The better to understand the truth of this assertion, let an inquiry be had into the objects of the act.

The *first* section repeals an act creating a circuit court north of the Illinois river; also, an act establishing an uniform mode of holding circuit courts; also, an act dividing the State into judicial circuits, an act forming an additional judicial circuit, an act dividing the State into judicial circuits, enumerating the days of the approval of each act; and then declares, that all other acts and parts of acts, establishing circuit courts, and authorizing the election of circuit judges, be, and the same are hereby, repealed.

The object, then, contemplated by the law, is evidently twofold.

1. To repeal all the laws creating circuit courts in the State, and to thereby abolish the same.

2. To legislate all the present circuit judges out of office.

The latter object is manifested by the 2d and 3d sections of the bill, which provides for the election of five additional Associate Judges of the Supreme Court at the present session of the General Assembly, and by dividing the State into nine judicial circuits, and assigning the Chief Justice and the other Associate Justices of the Supreme Court, in connection with those created by the act, to the several circuits named.

The act cannot, in the judgment of the undersigned, be considered otherwise than as—

*First.* In direct conflict with *both* the letter and spirit of the constitution of the State.

*Secondly.* It is retroactive in its nature, and violative of the public faith.

*Thirdly.* It is in conflict with, and subversive of, private right, because it impairs the obligations subsisting between individuals and the State.

To establish the first proposition, recurrence is to be had to the 4th article of the constitution of the State, which declares in the first section of that article, that "the judicial power of this State shall be vested in one Supreme Court, and such inferior courts as the General Assembly shall from time to time ordain and establish;" and the 4th section of the same article, which provides "that the Judges of the Supreme Court first chosen under the constitution, until the expiration of the first session of the General Assembly, which shall be begun and held after the first day of January, 1824, shall respectively hold circuit courts in the several

counties, in such manner, and at such times, and shall have and exercise such jurisdiction as the General Assembly shall by law prescribe." By the 6th section of the same article it is also expressly provided, "that the Supreme Court, or a majority of the Justices thereof, the circuit courts, or the Justices thereof, shall respectively appoint their own clerks."

Under these provisions of the constitution, the first General Assembly, on the 31st day of March, 1819, passed an act, the title of which is, and as in truth it was, "An act defining and regulating the duties of the Supreme Court." This act, in none of its provisions, attempts to create circuit courts, but seems to reorganize them, as already created by the constitution. It provides in what manner and by whom the circuit courts in the State, which it presupposes to exist, shall be holden; how many terms there shall be; the extent of their jurisdiction and powers, civil and criminal. And by the 20th section assigns, as the constitution intended should be the case until 1824, the Justices of the Supreme Court to their several circuits.

There is also a remarkable coincidence in the interpretation supposed to be justified from the letter and spirit of the constitution and this act, and that is, that the 46th section of the act transfers all recognizances, writs, and process of every kind, from the general court and circuit courts, holden under the Territorial government, to the Supreme and circuit courts *directed* to be holden under the act not then *created*, but to be *holden* under the act. Thus recognizing the existence, it is supposed, of circuit courts, presumed to have been created by the constitution, for none is created by the act itself.

If this reasoning be correct from the parts of the constitution and the laws of 1819 cited, it may be urged with great force that such courts were called into being by the constitution itself.

If so, then it would seem equally clear that the legislative department has no power whatever to abolish what the constitution created.

Additional reasons are afforded in support of this position, by reference to the provisions of the 6th section of the constitution, in regard to the power given to appoint clerks. That power is distinctly conferred on not only the Justices of the Supreme Court, but by direct words on the Justices of the "Circuit Courts."

And here an inquiry naturally arises—what clerks are to be appointed, and of what courts? Are they to be appointed to courts in existence, or to those to be created in future? It would seem to be of those already in existence; for the Supreme Court is distinctly specified, and it is apprehended that the circuit courts are as clearly named. Of none other does the constitution speak of the appointment of clerks.

Suppose, however, that this reasoning is not correct, and that under the *first* section of the 4th article quoted, the General Assembly possessed and were to exercise the power to create circuit courts for the State, under the expression "and such inferior courts as the General Assembly shall from time to time ordain and establish;" can it be with reason justly contended that the power to create implies an equal power to destroy? The delegation of a power to do an act cannot mean an equal power to revoke the act when done. It might be wholly inconsistent with the grant of power, and defeat its very object. The phrase "from time to time" does not necessarily impart such power; but the creation

at different periods of different tribunals, such as the exigencies of the State shall demand.

The power to modify or alter cannot mean a power to annihilate, or destroy altogether; because it would be inconsistent with the intention and object of modification, or change sought, which must be supposed to be to better or improve the thing sought to be modified or altered, leaving a portion of the original still in being. Hence the conclusion, that the *first* section of the bill is repugnant to the constitution, and an infringement of the provisions cited.

On the second ground, that it is retroactive in its nature, and violative of the public faith, it is to be remembered that the constitution has expressly provided in the 3d section of the 4th article of that instrument, that "the Judges of the inferior courts shall hold their offices during good behaviour, and shall have adequate and competent salaries, which shall not be diminished during their continuance in office." It further provides two modes of displacing Judges, to wit: by impeachment, and by an address of two-thirds of both branches of the General Assembly.

The circuit Judges having been chosen by virtue of the laws made, and under and in the manner prescribed by the constitution, must surely hold their offices during good behaviour. The tenure of both the Supreme and Circuit Judges is precisely the same, and without the least difference. They hold their offices as long as they behave well in those offices, and discharge the duties imposed on them. Human language, it would seem, could not be clearer, or more free from all ambiguity or doubt. "During good behaviour" cannot surely mean during the will of the Legislature; because no such power is any where given by the constitution to the Legislature to express its will. The constitution is a law to the legislative department, which cannot be rightfully transcended, as much so as their laws are binding on the citizen, which he may not violate.

The wisdom of this provision in the constitution, by which the stability of judicial tenure is preserved, has well been said to be of the deepest importance and necessity. In the text-book of the constitution, written by Mr. Madison and others it is remarked that the standard of good behaviour for the continuance in office of the judicial magistrate, is certainly one of the most valuable of modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince: in a republic it is no less a barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws. And nothing can contribute so much to its firmness and independence as permanency in office. This quality may therefore be justly regarded as an indispensable ingredient in its constitution, and in a great measure as the citadel of public justice and public security."

This security would be entirely abolished, if it were possible to give to the terms "good behaviour" any other meaning than what the terms so clearly import. But it is also most evident that the constitution, by providing two modes of removing the Judges from office, thereby necessarily excluded all other modes; and that the term of service of a Judge holding his office under the constitution by good behaviour, can only be concluded

by his misconduct, or the vote of two-thirds of both branches of the General Assembly.

There are many parts of the constitution which serve to illustrate this conclusion.

The constitution declares "that no religious test shall ever be regarded as a qualification to any office or public trust under this State;" "that all elections shall be free and equal;" "that the right of trial by jury shall remain inviolate."

Now, should the Legislature prescribe a religious test as a qualification to office, or make by law elections partial and unequal, or destroy the right of trial by jury, is there any one bold enough to say that such laws ought or should be enforced or respected? If not in such cases, why shall that which is equally clear and certain, be violated by an act destroying the tenure of office, and virtually the office itself? Its operation is considered not only violative of public faith, and retroactive in its nature and consequences, by destroying a solemn contract previously entered into between the State and its officers, but its tendency is to degrade them without a trial or hearing, and for no cause or offence whatever. By an act neither desired nor justified, it is submitted whether they are not deprived of their offices, and the emoluments thereto attached, without notice or accusation?

But the constitution has said that the salary of the Judge shall not be diminished during his continuance in office. This being true, and no law can be passed to reduce it, how is it that the Judge can be deprived of his office and emoluments by a bare law. If the lesser evil cannot prevail, how is it that the greater may, and the office be taken from him without cause of offence on his part?

In the case of the *United States vs. More*, reported in vol. 1, Cranch, 159, it will be seen that it was held that even a justice of the peace for the District of Columbia, having had his fees once fixed by law, a subsequent law diminishing that compensation cannot affect that justice of the peace during his continuance in office. Thus illustrating the principle of the stability of rights conferred under the constitution and laws of the United States.

To these unanswerable reasons an argument is sometimes opposed, and one certainly mixed up with much sophistry and unsoundness. It is said that acts of the character in question do not repeal the Judges out of office, but merely leave the incumbent without duties; and that as they have no duties to perform, they are entitled to no compensation, and appropriations may be justly refused them. Can this position be defended and sustained by reason or justice?

On the third ground, that the act is in conflict with, and subversive of, private rights, because it impairs the obligation subsisting between individuals and the State, it is to be remembered, that if the officer is ready and willing to perform his part of the contract entered into under the solemn guarantee of the constitution as to the terms of its duration, and admitted to now exist between the State and the officer, and the State refuses to allow him so to do, must not the act of prevention be in direct conflict with the private right of the party to whom the act of refusal relates? States should hold the force of moral and legal obligations equally as binding and effectual as those rules which compel the obser-



vance of those principles between individuals. As strong a sense of right, and a desire to avoid injustice, would seem to be expected in such cases, as on other occasions which call for their exercise.

It has, however, been said, that the act is constitutional, and is fortified by former precedents. Two instances are referred to for the support of this position: the one which occurred in the Congress of the United States, in 1802, and one in our own State, in 1827. It is proposed to make a brief examination of these cases, and some facts connected therewith.

In September, 1789, the judicial courts of the United States were established by an act of Congress under that title. By this act the Supreme Court of the United States was formed, and consisted of a Chief Justice and five Associates. The United States was divided into thirteen districts; and those districts, excepting Maine and Kentucky, were divided into three circuits. Two terms of courts in each of those districts were required to be held. The courts were called circuit courts; and two of the Judges of the Supreme Court, with the district Judges, were required to hold those courts. In 1801, on the 13th February, an act to provide for the more convenient organization of the courts of the United States, was approved, and by which the former system was changed, new districts were created; and in those districts, except the 6th, there were three Judges, called circuit Judges, commissioned to hold the courts. The jurisdiction and services were defined in the act.

On the 8th March, 1802, an act to repeal certain acts respecting the organization of the courts of the United States, and for other purposes, was passed, and by which the system under the act of 1801 was abrogated. By this act, however, the previous system of organization of the courts of the United States was restored, and expressly declared to be revived and in full force. Ample provision was made in the act for the transfer of the business in the courts held under the act of 1801, to the courts revived by the act of 1802. The act of 1802, it was contended, repealed the circuit Judges created by the act of 1801 out of office. This act was passed at a time of great party heat and excitement, remarkable for the fierce contentions and bitterness which prevailed among the two great parties which existed at that time, and which, indeed, threatened a dissolution of the government.

In 1803, an attempt was made to raise an inquiry into the validity of this act of repeal, in the case of *Stuart vs. Laird*, (Cranch, vol. 1, 95,) by questioning the right of the Judges of the Supreme Court to hold circuit courts, it being said that Congress could not assign the Judges to hold circuit courts. On that occasion, Mr. Lee, a distinguished advocate and patriot of Virginia, said in argument: "The first act (1802) is unconstitutional, inasmuch as it goes to deprive the courts of all their powers and jurisdiction, and to displace judges who have been guilty of no misbehaviour in their offices." \* \* \* "There is no difference between the tenure of the office of a Judge of a Supreme Court, and that of a Judge of an inferior court. The reason of that tenure, to wit: the independence of the Judge, is the same in both cases. Indeed, the reason applies more strongly to the case of inferior Judges, because to them is exclusively assigned causes of life and death. It is admitted that Congress have the power to modify, increase, or diminish the powers of the courts and the

Judges. But that is a power totally different from the power to destroy the courts, and deprive them of all power and jurisdiction. The one is permitted by the constitution, the other is restrained by the regard which the constitution pays to the independence of the Judges. They may modify the courts, but they cannot destroy them if they thereby deprive a Judge of his office. This provision of the constitution was intended to place the Judges not only beyond the reach of the executive power, of which the people are always jealous, but also to shield them from the attack of that party spirit which always predominates in popular assemblies. That this was the principle intended to be guarded by the constitution, is evident from the contemporaneous exposition of that instrument, published under the title of the *Federalist*, and written, as we all know, by men high in the esteem of their country." \* \* "The words 'good behavior' cannot mean during the will of Congress." \* \* \* "The people have a right to the services of those Judges who have been constitutionally appointed, and who have been unconstitutionally removed from office. It is the right of the people that their Judges should be independent; that they should not stand in dread of any man who, as Mr. Henry said in the Virginia convention, has Congress at his heels."

Mr. Lee further cited, in support of this doctrine, the speeches of Mr. Madison, Gov. Nicholas, and Chief Justice Marshall, in the Virginia convention, in support of the adoption of this very clause in the constitution of the United States. Certainly the authority of these great men is not now to be denied.

The opposite counsel in the cause freely admitted that Congress could not remove a Judge by repealing the law creating his office: he contended *only* for the power of Congress to modify courts, that being the only question before the court in this particular case, and he said that "the power of the constitution respecting tenure by good behaviour was not intended to alone protect the Judge, but for the benefit of the people; that Judges might, by the *permanency* of their offices, be always men of experience and learning."

In the opinion of the court, delivered by Justice Patterson, it will be seen that the constitutional point was not decided, it being considered impolitic to disturb the question; the only points settled being the power of Congress to remove a cause from one court to another, and the right of the Supreme Judges to sit as Circuit Judges, without separate commissions for such purpose. The Judge says: "another reason for reversal is that the Judges of the Supreme Court have no right to sit as Circuit Judges, not having been appointed as such; or in other words, that they ought to have distinct commissions for that purpose. To this objection which is of recent date, it is sufficient to observe, that practice and acquiescence under it for a period of several years, commencing with the organization of the judicial system, afford an irresistible answer, and have, indeed, fixed the construction. It is a contemporaneous interpretation of the most forcible nature. This practical exposition is too strong and obstinate to be shaken or controlled. Of course the question is at rest, and ought not now to be disturbed."

The act of Congress of 1802 affords, then, no countenance in aid of the constitutionality of the act now under consideration; and the decision

referred to is inferentially against the constitutional power of Congress in the case to which reference has been had.

The act of the 1st January, 1827, has, however, been quoted as an evidence that the question has been settled in this State, and should be now held conclusive.

It is well known that, on the consideration of that bill in the Council of Revision, the undersigned then entertained, and expressed at large, the same views now given, and denied that the precedent of the Congress of the United States, adopted in the midst of party heat and excitement, formed any just ground on which to base a decision for ourselves. In that opposition it is well understood the reasoning urged against the passage of the bill did not prevail, and the act went into force. Its effect was to dispense with the services of five circuit Judges—(who, whether from that cause or not it is not pretended to say, but so it is, that two of the number have subsequently been elevated by the voice of the people to the station of Senators in the United States Senate, being the highest office within their gift)—and require the performance of their duties by the Supreme Judges, without additional expense.

In 1834, however, the people required a return to the very system abrogated in 1827, and still now in force. In two judicial questions, which have arisen since 1827, the undersigned has had occasion to remark, "when the circuit courts were first created under the constitution, it is well understood that the Judges of the Supreme Court were, as the constitution provided, assigned by law the duty of holding circuit courts. That after the period limited in the constitution, and when in December, 1824, the reorganization of the Judiciary took place, they were withdrawn from those duties, and circuit Judges were elected, by and in virtue of the powers contained in the 6th article of the constitution of the State, who were, when once created, declared by that article to hold their offices during good behaviour, and subject only to removal by impeachment or address.

The repealing of the law which created the circuit courts, of which the persons were Judges in January, 1827, however it may be *supposed* to have destroyed the courts previously created in 1824, under the provisions of the first section of the 6th article of the constitution, which declares the judicial powers of the State shall be vested in one Supreme Court, and such inferior courts as the General Assembly shall, from time to time, ordain and establish," could not, in my humble judgment, have in the least affected the tenure of the office of the Judge. And why was this so? Because of its being void by reason of its unconstitutionality.

It was further added, in support of the ground assumed, that the shield of the constitution was placed between them and the act of destruction; and if it failed to afford the protection guaranteed by its broad and comprehensive declaration of his right, it is doubtless because he neglected to seek the shelter it afforded.

It is thus seen that the precedents referred to are very far indeed from sustaining the constitutional power to pass the act in question. That their force is greatly impaired by the circumstances by which they were surrounded, and in particular by the departure in this State, in 1834, from the system adopted in 1827, and against the operations of which no just grounds of complaint are believed to exist.

It is not understood that any case of a similar character has ever occur-

red in any other State of this Union, except that of Kentucky, where the heat and violence of the times led them to attempt to destroy the Court of Appeals in that State, being the highest known to the constitution and laws, and to remove the Judges from office, by the creation of a new Court of Appeals, and the appointment of Judges who actually exercised for a while a portion of their functions; but which court, the returning good sense of the people, and the monstrous character of the act itself, caused to be abrogated by common consent. The violence which characterized those times afforded cause of deep regret to those who desired the preservation of rights solemnly guaranteed to the people, and who stood by the supremacy of the constitution. They ultimately witnessed the realization of those hopes, in the returning good order and peace which succeeded the perils by which they had been surrounded.

The unhappy tendency of the great and radical change which was attempted in the State, by repealing the Judges out of office, and creating a new Court of Appeals, was witnessed in the almost entire suspension of vast improvements to the judicial proceedings of the State for a great length of time. For a period of nearly three years the contention raged, popular elections turned on the question of *old court* and *new court*, and it is asserted that criminals charged with high crimes, even dared to seek safety in the unhappy contention excited by the struggle.

The admonitions which are drawn from the history of those days, it is presumed, has not been without their effect. The objections recapitulated by the undersigned have, in his judgment, lost nothing of their force by time or reflection; but, on the contrary, have, in his opinion, accumulated and strengthened.

The undersigned concurs in the objections of the other members of the Council to the act under consideration, which relates to the structure of the act itself, and the consequences which might flow from its imperfections should it become a law.

Having endeavored to state with accuracy the grounds entertained against the adoption of the act in question, with that respect which should mark differences of opinion between co-ordinate departments of the Government, he trusts they will be received in the same friendly spirit they are intended to be communicated; and that those differences will be examined with a desire to arrive at just results.

[Signed.]

THEO'S. W. SMITH.

February 8, 1841.

On motion of Mr. Ross,

The preamble and resolutions some days since laid on the table, in relation to the proposed change of the National Road through the State of Illinois, was taken up for consideration.

And on the question being taken on the adoption of said resolutions, It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Fithian, Hamlin, Harrison, Henry, Herndon, Killpatrick, Little, Markley, Nunnally, Ralston, Richardson, Ross, Sargeant, Stadden, Stapp, Warren, and Witt—18.

Those voting in the negative, are,

Messrs. Churchill, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbons,

Hacker, Houston, Hunter, Johnston, Moore, Parrish, Pearson, and Slocumb—15.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Herndon,

The bill some day since laid on the table, entitled "An act to amend an act to incorporate the city of Springfield," approved February 3, 1840, was taken up for consideration.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Houston, Hunter, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Sargent, Slocumb, Stadden, Stapp, Warren, and Witt—30.

Those voting in the negative, are,

Messrs. Cullom, Henry, Killpatrick, and Ross—4.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker*: I am directed by the Council of Revision to inform the Senate that they have this day approved a bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30, 1840. And he withdrew.

The bill, entitled "An act reorganizing the Judiciary of the State of Illinois," together with the objections of the Council of Revision to the same;

And the objections being read, and the question being on the repassage of said bill,

Mr. Harrison moved that the Senate adjourn; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Baker, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, and Witt—23.

Mr. Baker having the floor, gave way to Mr. Fithian, who moved that the Senate now adjourn; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Fithian, Harrison, Henry, Little, Slocumb, Stapp, and Warren—9.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt, and Wood—21.

Whereupon,

Mr. Baker again resumed the floor, and having sent several documents

to the Secretary's table which were read, was called to order by Mr. Snyder.

And Mr. Speaker having decided that it was not in order for any member of the Senate to send printed documents to the table to be read, or to read them in his place, without leave of the Senate,

Mr. Baker asked leave of the Senate to read sundry extracts from a book he held in his hand.

And the question being taken,  
It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Nunnally, Ross, Sargent, Slocumb, Stapp, and Warren—15.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt and Wood—22.

Mr. Baker again resumed the floor, and after some time spent in debate gave way.

Whereupon,

Mr. Ralston moved the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, and Wood—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, Warren, and Witt—17.

And the question being taken on the repassage of said bill, the objections of the Council of Revision to the contrary notwithstanding,

It was decided in the affirmative, by a constitutional majority, as follows:

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Witt, and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, and Warren—16.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the repassage of said bill.

On motion,

The Senate adjourned.

TUESDAY, FEBRUARY 9, 1841.

Mr. Baker moved to amend the Journal of yesterday, in relation to the votes of the Judiciary bill, by striking out the words "a book he held in his hand," and insert the words "the Federalist;" which was decided in the negative,

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Feaman, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Nunnally, Ross, Sargent, and Warren—14.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Gibbs, Hacker, Harris, Herndon, Housh, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Witt, and Wood—22.

Mr. Ralston moved to further amend the Journal upon the same subject, by inserting after the word "to" in the paragraph, as follows:

Mr. Baker asked leave of the Senate to read sundry extracts from a book he held in his hand," the words "have the Secretary;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Gaston, Gibbs, Harris, Herndon, James, Johnston, Markley, Nunnally, Pearson, Ralston, Richardson, Snyder, Stadden, Witt, and Wood—19.

Those voting in the negative, are,

Messrs. Baker, Cullom, Davidson, Fithian, Hacker, Hamlin, Harrison, Henry, Hunter, Killpatrick, Little, Moore, Parrish, Ross, Sargent, Slocumb, Stapp, and Warren—18.

A message from the Governor, by Mr. Douglass, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate communication in writing. And he withdrew.

Mr. Hacker moved to further amend the Journal of yesterday, by inserting after the vote taken on granting leave to Mr. Baker to read certain extracts &c., the following, viz:

The chair then read to the Senate from Jefferson's Manual as follows:

"For the same reason, a member has not the right to read a paper in his place if it be objected to, without leave of the House; but this rigor is never exercised but when there is an intentional or gross abuse of the time and patience of the House. A member has not a right even to read his own speech committed to writing without leave; this is, also, to prevent abuse of time, and therefore is not refused but when that is intended."

Mr. Little moved to amend the same by adding the residue of the 32d edition of Jefferson's Manual, from which the Senator from Union has made his extract; which was not agreed to.

And the question being taken on the proposition of Mr. Hacker to amend the Journal as aforesaid,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Gibbs, Hacker, Harris, Herndon, James, Markley, Moore, Nunnally, Parrish, Pearson, Richardson, Witt, and Wood

Those voting in the negative, are,  
Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Harrison, Henry, Hunter, Johnston, Killpatrick, Little, Ralston, Sargent, Slocumb, Snyder, Stadden, Stapp, and Warren—21.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring hereto:* That both branches of the General Assembly convene in the Hall of the House of Representatives on Friday, the 12th of this inst., at two o'clock P. M., in order to elect one State's Attorney for the third Judicial Circuit, also, State's Attornies for the 1st, 6th, 7th, and 9th Judicial Circuits, also, a President, Acting Commissioner, and Treasurer of the Board.

In which they ask the concurrence of the Senate. And he withdrew.

Mr. Gibbs moved that the Senate adjourn; which was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Davidson, Gaston, Gibbs, Johnston, Little, Nunnally, Richardson, Snyder, Stapp, and Warren—10.

Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gilman, Harris, Harrison, Henry, Hunter, James, Killpatrick, Markley, Marshall, Parrish, Pearson, Ralston, Ross, Sargent, Slocumb, Stadden, Witt, Wood—25.

On motion,  
The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Hamlin presented the petition of sundry citizens of Princeton and other parts of Bureau county, praying to be released from the payment of a certain tax, and.

On motion of Mr. Hamlin,  
The reading of the same was dispensed with, and said petition referred to the committee on Counties.

Mr. Davidson, from the committee on School Lands and Education, which was referred the bill from the House of Representatives, entitled "An act in relation to the school fund," reported the same back with amendments, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Davidson,  
The rule was dispensed with, said bill read the third time by its title and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.



. Nunnally, from the committee on Public Roads, to which was referred the petition of sundry citizens of White county, in relation to a road, &c., reported a bill, entitled "An act to relocate a part of state road from Carmi to Mount Carmel;" which was read, and ordered to a second reading.

On motion of Mr. Davidson, the rule was dispensed with, said bill read the second time by its title,

ordered to be engrossed and read a third time.

Mr. Hacker, from the select committee to which was referred the bill of the House of Representatives, entitled "An act changing the name of the town of Chatham, in Whiteside county," reported the same back without amendment, and recommended its passage.

ordered to a third reading.

Mr. Witt, from the select committee to which was referred the bill of the House of Representatives, entitled "An act to provide for the collection of taxes for the year 1839, in Cass county," reported the same with an amendment; which was concurred in, and said bill, as amended,

ordered to a third reading.

On motion of Mr. Witt, the rule of the Senate was dispensed with, and said bill read the second time by its title, and passed.

ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Stadden, from the select committee to which was referred the bill of the House of Representatives, entitled "An act to authorize James Strode to build a dam across Fox river," reported the same back without amendment, and recommended its passage.

ordered to a third reading.

Mr. Snyder, on leave given, introduced the petition of James P. Morley, praying the Legislature to authorize him to clear out the obstructions in the Cahokia creek, and

On motion of Mr. Snyder,

the reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Pearson moved the adoption of the following preamble and resolutions, viz:

*Whereas* it has been represented that the poll books of Juliet and Lockport precincts, in Will county, was stolen by some evil minded persons in August, 1839, which caused the commission of the recorder in said county, though not having received a majority of votes; therefore,

*Resolved*, That a committee of three be appointed to inquire into the facts and make report to the Senate by bill or otherwise.

Mr. Moore moved to amend the same by striking out all after the word "resolved," and insert the following, viz:

That the committee on Elections be instructed to inquire into the expediency of so amending the election laws as to prevent hereafter the illegal and fraudulent destruction of any poll books, and that they report by bill or otherwise.

Mr. Allen moved to lay said resolution and the proposed amendment on the table; which was decided in the affirmative.

Mr. Herndon moved the adoption of the following resolution, viz:

*Resolved by the Senate,* That when the Senate decides by a majority that the Journals be amended, that they decide it shall be done by striking out, or inserting (as the case may be,) so as to make the Journal read as amended by the vote of the Senate.

Mr. Ross moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Fithian, Hamlin, Harrison, Killpatrick, Little, Moore, Ross, Sargent, Slocumb, Snyder, Stapp, and Warren—17.

Those voting in the negative, are,

Messrs. Baker, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Stadden, and Wood—19.

And the question then being taken on the adoption of said resolution it was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Stapp, and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Ross, Sargent, Snyder, and Warren—11.

On motion of Mr. Herndon,

*Resolved,* That hereafter when a call of the Senate is demanded by any Senator, and after the Senate shall have been so called, and it shall appear that a portion of the Senators are absent, the names of such Senators shall be placed upon the journals as absentees; *Provided,* That such absentees do not appear previous to putting any question by the Speaker. Nothing in this resolution shall be so construed as to apply to any Senator who may be absent by leave of the Senate.

Mr. Pearson introduced a bill, entitled "An act to enable the trustees of Juliet to levy a tax and to pay liabilities against said town;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by title, and

*Ordered* to be engrossed for a third reading.

Mr. Houston introduced a bill, entitled "An act concerning the Great Western Mail Route;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Gaston,

Referred to the committee on Public Roads.

Mr. Snyder introduced a bill, entitled "An act to establish Circuit courts;" which was read, and

*Ordered* to a second reading.

Mr. Snyder moved to dispense with the rule, and that the said bill be now read the second time by its title; which was not agreed to.

Mr. Herndon introduced a bill, entitled "An act to extend the boundary of Cass county;" which was read, and

*Ordered* to a second reading.

Mr. Henry moved to dispense with the rule, and read the bill now the second time by its title; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, and Wood—33.

Those voting in the negative, are,

Messrs. Stapp and Warren—2.

Mr. Henry moved to refer said bill to a select committee.

Mr. Herndon moved to refer the bill to the committee on Counties; which question being first put,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Parrish, Pearson, Ralston, Richardson, Ross, Snyder, and Stadden—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Gibbs, Hamlin, Harrison, Henry, Killpatrick, Little, Sargent, Slocumb, Stapp, Warren, and Wood—15.

Mr. Little introduced a bill, entitled "An act to provide for the payment of the current expenses of the State, including the interest on the school fund;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Hacker,

Said bill was referred to the committee of the Whole Senate, and made the order of the day for to-morrow or some day thereafter.

On motion of Mr. Hamlin,

The Senate resolved itself into a committee of the Whole, upon the bill from the House of Representatives, entitled "An act concerning public roads," Mr. Stapp in the chair, and after some time spent therein, Mr. Speaker resumed the chair; and,

Mr. Stapp reported that the committee of the Whole Senate had, according to order, had said bill under consideration, had made sundry

amendments thereto, and directed him to report the same back to the Senate, and ask their concurrence therein.

And on the question—"Will the Senate concur with the committee in their amendments to said bill?"

It was decided in the affirmative.

On motion,  
The Senate adjourned.

### WEDNESDAY, FEBRUARY 10, 1841.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the two communications last received from the Governor, and announced that they were upon Executive business, and without an order of the Senate to the contrary, would be acted upon with closed doors.

Mr. Churchill moved that said communications be acted upon with open doors; which was agreed to.

And the said communications were read as follows:

EXECUTIVE DEPARTMENT,  
*Springfield, Feb. 8, 1841.*

*To the Senate:*

I nominate B. K. Hart, William Montgomery, and Peter Merrill, to be inspectors of the Penitentiary.

THO. CARLIN.

Mr. Churchill moved that the Senate do now advise and consent to the said nominations; which was decided in the affirmative.

EXECUTIVE DEPARTMENT,  
*Springfield, February 9, 1841.*

*To the Senate:*

I nominate Franklin Mitchell to be notary public for the town of Wilmington, in Will county.

THO. CARLIN.

Mr. Pearson moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

Mr. Slocumb presented the petition of sundry citizens of Wayne county, praying for the removal of the mill-dams at Carmi and New Haven, and,

On motion of Mr. Slocumb,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Slocumb presented the petition of sundry citizens of Clay county, praying for the removal of the mill-dams at Carmi and New Haven, and,

On motion of Mr. Slocumb,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

The bill from the House of Representatives, entitled "An act concern-

ng public roads," being again under consideration, and the question recurring on the question pending at the time of adjournment on yesterday, which was on ordering said bill to a third reading, as amended,

Mr. Ross moved to amend said bill as follows:

"Amend the 14th section by striking out the word "them" in the 5th line, and insert the word "five" in lieu thereof.

Also, insert the words "or either" after the word "personal" in the 5th line of the 15th section.

Mr. Herndon called for a division of the question;

And the question being first taken on the proposed amendment to the 14th section,

It was decided in the affirmative.

The question then being taken on the adoption of the proposed amendment to the 15th section,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Warren, and Wood—32.

Those voting in the negative, are,

Messrs. Churchill, Evans, Herndon, Little, and Stapp—5.

Mr. Killpatrick moved to amend the 9th section of said bill by striking out the words "thirty-five," and insert the words "twenty-five" in lieu thereof; which was not agreed to.

Mr. Hacker moved further to amend the bill by striking out the words "able bodied," whenever they occur in the bill, and insert "unless the county commissioners of the county in which such person may reside shall exempt the same;" which was not agreed to.

Mr. Allen moved to amend the bill by adding the following to the proviso, viz:

"*Provided, also,* That no person, the value of whose taxable property does not exceed one hundred dollars, shall be required to perform more than three days work;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Hacker, Houston, Johnston, Markley, Nunnally, Parrish, Ross, Sargent, and Witt—15.

Those voting in the negative, are,

Messrs. Feaman, Fithian, Gaston, Gibbs, Harris, Henry, Herndon, Hunter, James, Killpatrick, Little, Pearson, Ralston, Slocumb, Snyder, Stadden, Stapp, Warren, and Wood—19.

And the question being taken on ordering said bill to a third reading, as amended,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Gibbs, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Markley, Pearson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt, and Wood—26.

Those voting in the negative, are,  
Messrs. Davidson, Fithian, Gaston, Hacker, Harris, Johnston, Little, Parrish, Ralston, Richardson—10.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a communication in writing. And he withdrew.

Mr. Little, from the committee on the Judiciary, to which was referred the bill entitled "An act in relation to a mill-dam in Morgan county," reported the same back without amendment, and recommended its rejection.

Mr. Little moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Mr. Ralston, from the committee on the Judiciary, to which was referred the resolution from the House of Representatives, in relation to the adjournment of the two Houses on the first of March next, reported the same back to the Senate.

Mr. Richardson moved to amend said resolution by striking out the word "first," and insert the word "eighth" in lieu thereof.

Mr. Ralston called for a division of the question;

And the question being first taken upon striking out,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Evans, Feaman, Gibbs, Herndon, Pearson, Ralston, Richardson, Snyder, and Stadden—10.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gaston, Hacker, Hamlin, Harris, Harrison, Henry, Hunter, James, Johnston, Killpatrick, Little, Markley, Nunnally, Parrish, Ross, Sargent, Slocumb, Stapp, Warren, Witt, and Wood—27.

Mr. Allen moved to amend the resolution by adding the following, viz:

"That each member who may be absent at the time of adjournment, unless by leave, shall not be entitled to receive any compensation for his services at the present session;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Gaston, Gibbs, Houston, Hunter, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, and Stadden—14.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, James, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, Warren, Witt, and Wood—22.

Mr. Hacker moved to lay the same on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Hacker, Herndon, Hunter, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, and Stadden—14.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Harris, Harrison, Henry, Houston, James, Johnston, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, Warren, Witt, and Wood—23.

And the question then being taken on concurring with the House of Representatives in the adoption of the resolution,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Harris, Harrison, Henry, Houston, James, Johnston, Killpatrick, Little, Ross, Sargent, Slocumb, Stapp, Warren, Witt, and Wood—23.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Hacker, Herndon, Hunter, Markley, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, and Studden—14.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Churchill, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act making compensation to John L. Heffington and others for the apprehension of Aaron and William Todd," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Harris,

The rule was dispensed with, said bill read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Richardson, from the committee on Elections, to which was referred the bill from the House of Representatives, entitled "An act to authorize the county commissioners of Brown county to appoint an assessor," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Richardson, from the same committee, to which was referred the bill, entitled "An act to amend and explain the election law," approved January 10, 1829, reported the same back without amendment, and recommended its passage.

Mr. Richardson moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That nothing contained in this act shall conflict with the 16th section of the criminal code;" which was agreed to.

And on the question—"Shall said bill be engrossed, as amended, and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Parrish,

Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt, and Wood—35.

Nays—None.

On motion,

The Senate adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Trumbull, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois,* That our Senators be instructed, and our Representatives in Congress be requested to use all proper means for the enactment of a bankrupt law, which shall be general in its operations, for the relief of all honest debtors, and the detection of fraudulent ones, embracing all classes of our citizens.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to attach part of the 3d Congressional district to the first," reported the same back with an amendment.

Mr. Gatewood moved that the further consideration of said bill and amendment be indefinitely postponed.

Mr. Ralston demanded a call of the Senate;

And the roll being called, all the Senators answered to their names except Messrs. Gibbs, Moore, and Snyder.

Whereupon, excuses were offered and received for the absence of Messrs. Moore and Snyder, and,

On motion of Mr. Witt,

The further call of the Senate was dispensed with.

Whereupon,

Mr. Herndon moved to refer said bill and the proposed amendment to the committee on Elections; which was not agreed to.

And the question then being taken on the indefinite postponement of said bill and amendment,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Nunnally, Parrish, Ross, Sargent, Slocumb, Stapp, and Wood—26.

Those voting in the negative, are,

Messrs. Allen, Herndon, James, Johnston, Markley, Pearson, Ralston, Richardson, Stadden, Warren, and Witt—11.

On motion of Mr. Pearson,

The order of business was suspended,



And the bill, some days since laid on the table, entitled "An act fixing the manner of Congressional elections," was taken up for consideration.

Mr. Gatewood moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Parrish, Ross, Sargent, Slocumb, Stapp and Wood—24.

Those voting in the negative, are,

Messrs. Allen, Gaston, Herndon, James, Johnston, Markley, Nunnally, Pearson, Ralston, Richardson, Stadden, Warren, and Witt—13.

Mr. Witt moved to suspend the order of business, and take up bill number 19, in relation to the canal; which was not agreed to.

Mr. Gatewood, from the committee on Finance, to which was referred the petition of Leech and Smith, praying for relief, reported a bill, entitled "An act for the relief of Samuel Leech and Nicholas N. Smith;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Witt,

Referred to the committee on Public Accounts and Expenditures.

Mr. Pearson introduced a bill, entitled "An act authorizing the Canal Commissioners to sell land in certain cases;" which was read, and

*Ordered* to a second reading.

Mr. Ross introduced a bill, entitled "An act to reorganize the militia of the State of Illinois;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Military Affairs.

Mr. Henry introduced a bill, entitled "An act for the benefit of Jno. W. Evans;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Henry,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Markley introduced a bill, entitled "An act to prevent collectors from speculating on Auditor's warrants;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Richardson,

The rule was dispensed with, said bill read the second time by its title, and,

*Ordered* to be engrossed and read a third time.

Mr. Gatewood introduced a bill, entitled "An act for the benefit of the inhabitants of town nine south, range eight east, in Gallatin county;" which was read, and

*Oreded* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Parrish,

Referred to the committee on Salines and Saline Lands.

Mr. Evans introduced a bill, entitled "An act to amend an act concerning the public revenue," approved February 26, 1839; which was read, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Gatewood introduced a bill, entitled "An act further to amend an act to provide for a settlement of accounts between the State Bank and Bank of Illinois;" which was read, and

*Ordered* to a second reading.

The engrossed bills, entitled

"An act to amend an act to incorporate the city of Springfield," approved February 3, 1840;

"An act to incorporate the Nauvoo House Association;"

"An act to facilitate the collection of judgments by executors and administrators;"

"An act to enable the trustees of Juliet to levy a tax, and to pay liabilities against said town;" and

"An act to relocate a part of the State road from Carmi to Mount Carmel;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act to prevent the misapplication of public money on the line of the Illinois and Michigan canal," was read the second time, and,

On motion of Mr. Davidson,

Referred to the committee on Canals and Canal Lands.

The bill, entitled "An act to establish Circuit Courts," was read the second time, and,

On motion of Mr. Davidson,

Referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled

"An act to vacate town plats;" and

"An act to extend the limits of Bond county;"

Were severally read the third time, as amended, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills from the House of Representatives, entitled

"An act to locate a State road in Bond, Madison, and St. Clair counties;"

"An act to compel the school commissioner of Cook county to pay over

certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties."

"An act changing the name of the town of Chatham, in Whiteside county;" and

"An act to authorize James M. Strode to build a dam across Fox river;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act concerning the revenue in Bond county," was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to authorize the building of a toll draw-bridge across the Calumet river," was read the second time, and

*Ordered* to a third reading.

The resolution contained in the message of the House of Representatives having for its object the election of certain officers on Friday, the 12th instant, being under consideration,

Mr. Hacker moved to amend the same by striking out the words "one State's Attorney for the third Judicial Circuit, also;" which was agreed to.

Mr. Ralston moved to further amend the same by striking out all that part of the resolution in relation to the election of Canal Commissioners; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Nunnally, Parrish, Ralston, Slocumb, Witt, and Wood—16.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Markley, Ross, Sargent, Stadden, Stapp, and Warren—18.

Mr. James moved that the Senate adjourn; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Gibbs, Harris, Henry, Houston, Hunter, James, Parrish, Ralston, Ross and Slocumb—11.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Hacker, Hamlin, Harrison, Herndon, Killpatrick, Little, Markley, Nunnally, Pearson, Sargent, Stadden, Stapp, Warren, Witt, and Wood—24.

And the question then being taken on the adoption of the resolution, as amended,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill entitled "An act to reorganize the Judiciary of the State of Illinois," by the Constitutional majority, the objections of the Council of Revision to the contrary notwithstanding. And he withdrew.

On motion,

The Senate adjourned.

## THURSDAY, FEBRUARY 11, 1841.

Senate met pursuant to adjournment.

Mr. Speaker announced that the communication received from the Governor on yesterday, was upon Executive business, and would be acted upon with closed doors, unless otherwise ordered.

Mr. Witt moved that the same be considered with open doors; which was agreed to.

And said communication was read as follows:

EXECUTIVE DEPARTMENT,

Springfield, February 10, 1841.

*To the Senate*:

I nominate Ebenezer Robinson to be notary public for the city of Nauvoo, in the county of Hancock.

Also, R. V. M. Croes to be notary public for the county of Kane.

Also, Samuel Thomas to be notary public for the county of Stark.

I have the honor to be,

Very respectfully,

Your obedient servant,

THO. CARLIN.

Mr. Stadden moved that the Senate do now advise and consent to all said nominations; which was decided in the affirmative.

Mr. Hamlin presented the remonstrance of sundry citizens of Bureau county, against remitting the tax required to be paid by the citizens of Princeton, and,

On motion of Mr. Hamlin,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Witt presented the petition of sundry citizens of Greene county, praying for a division of said county, and,

On motion of Mr. Witt,

The reading of the same was dispensed with, and referred to the committee on Counties.

Mr. Snyder, from the committee on the Judiciary, to which was referred

ed the bill, entitled "An act to establish Circuit Courts," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Little,

The vote taken on yesterday upon concurring with the House of Representatives in the adoption of the resolution for the election of certain officers, as amended, was reconsidered.

Mr. Ross moved that the further consideration of said resolution be indefinitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives hereof.

Mr. Harrison, from the committee on Internal Navigation, to which was referred the petition of James P. Morris, in relation to obstructions in Cahokia creek, reported a bill, entitled "An act to authorize James P. Morris to remove obstructions in Cahokia creek; which was read, and

*Ordered* to a second reading.

Mr. Moore, from the committee on Counties, to which was referred bill from the House of Representatives, entitled "An act to create the county of Kendall," reported the same back with an amendment; which was read and concurred in, and said bill

*Ordered* to a third reading, as amended.

Mr. Moore, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act to create the county of Grundy, from the county of La Salle," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Little, from the committee on the Judiciary, to which was referred the petition of sundry justices and constables of Adams county in relation to fees, reported a bill, entitled "An act authorizing justices of the peace to issue fee bills for the collection of costs;" which was read, and

*Ordered* to a second reading.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred a bill, entitled "An act for the relief of purchasers of canal lots," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed and read a third time.

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act to vacate the town of Iowa, in Perry county;"

"An act to establish a ferry across the Illinois river at Peru;"

"An act to incorporate the Salem Steam Mill Company;"

"An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;"

"An act relative to the times of holding Circuit Courts in the counties of Champaign, Coles, Edgar, and Vermilion;"

"An act to authorize the sale of streets in Hillsboro;"

"An act creating an additional justice of the peace and constable in Cherry Grove precinct, in Knox county;"

- "An act to establish a ferry across the Illinois river;"  
 "An act for the relief of the collector of Pope county;"  
 "An act for the collection of the taxes of Henderson county;"  
 "An act authorizing Henry Hand to keep a ferry across Rock river;"  
 "An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy;"  
 "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip;"  
 "An act to amend an act to incorporate the college therein named;"  
 "An act in relation to incorporated towns and cities in this State;"  
 "An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county;"  
 "An act to repeal an act incorporating the town of Shelbyville;"  
 "An act to sell the school section in town fourteen north, range eight, east of the 4<sup>th</sup> principal meridian;" and  
 "An act to authorize Lester Barker, Alanson House, and their associates, to build a mill-dam across Fox river."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Stadden, from the same committee, to which was referred the bill entitled "An act to prevent a misapplication of public money on the line of the Illinois and Michigan Canal," reported the same back with an amendment.

Mr. Pearson moved to amend said amendment by striking out the first section; which was decided in the negative.

Those voting in the affirmative, are,  
 Messrs. Evans, Gaston, Gibbs, Hacker, Markley, Nunnally, and Pearson—7.

Those voting in the negative, are,  
 Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Gatewood, Hamlin, Harris, Henry, Houston, Hunter, James, Johnston, Killpatrick, Little, Moore, Parrish, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Warren, Witt, and Wood—27.

Mr. Little moved to amend the proposed amendment by striking out the words "and whenever in his opinion the public interest requires the same;" which was decided in the negative.

Those voting in the affirmative, are,  
 Messrs. Baker, Churchill, Cullom, Fithian, Gibbs, Hamlin, Harrison, Killpatrick, Little, Ross, and Sargent—11.

Those voting in the negative, are,  
 Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Hacker, Henry, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, Witt, and Wood—24.

And on the question—"Will the Senate concur with the committee in their amendment to said bill?"

It was decided in the affirmative.

Mr. Hacker moved to reconsider the vote just taken on concurring with the committee in their amendment; which was decided in the negative.

Those voting the affirmative, are,  
Messrs. Churchill, Evans, Fithian, Gaston, Gibbs, Hacker, Harris, Henry, Houston, Hunter, James, Nunnally, Parrish, Pearson, Richardson, Ross, and Slocumb—17.

Those voting in the negative, are,  
Messrs. Allen, Baker, Cullom, Feaman, Gatewood, Hamlin, Harrison, Johnston, Killpatrick, Little, Markley, Moore, Ralston, Sargent, Snyder, Stadden, Warren, Witt, and Wood—19.

And the question then being taken on ordering said bill, as amended, to be engrossed and read a third time,  
It was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Feaman, Fithian, Gatewood, Hamlin, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt, and Wood—28.

Those voting in the negative, are,  
Messrs. Evans, Gaston, Gibbs, Hacker, Harris, Parrish, Pearson, and Richardson—8

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to locate a State road from Decatur to Alton;"

"An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney;"

"An act providing for the election of a Public Binder;"

"An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river;"

"An act to locate a State road from Urbanna, in Champaigne county, way of North Bend, to Marion, in DeWitt county;"

"An act for the formation of the county of Richland;"

"An act to incorporate the Union Turnpike Company;"

"An act in relation to certain mill-dams on Big Muddy, in Jasper and Jay counties;"

"An act to authorize the relocation of the county seat of Clay county;"

"An act concerning the taxes of Greene and Jersey counties;"

"An act to incorporate the Illinois Agricultural and Stock Association;"

"An act to incorporate the town of Marion;"

"An act to amend an act to incorporate the city of Chicago," approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes;

"An act to amend the several acts in relation to constables;"

"An act to provide for the appointment of another commissioner to view certain State roads;"

"An act to legalize certain proceedings of the inhabitants and trustees of schools for town thirty-five north, range ten east, in Will county;"

"An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county;"

In the passage of which several bills they ask the concurrence of the Senate. And he withdrew.

On motion,  
The Senate adjourned until 2 o'clock.

### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act supplemental to an act to amend an act, entitled 'An act to regulate taverns and groceries,'" reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Cullom,

The rule was dispensed with, and said bill read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*  
That the two Houses will meet in the Hall of the House of Representatives on Saturday next, at two o'clock, P. M., for the purpose of electing five additional Judges of the Supreme Court; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hamlin, Harris, Houston, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Sargent, Snyder, Stadden, Warren, Witt, and Wood—25.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Harrison, Henry, Little and Stapp—8.

Mr. Killpatrick introduced a bill, entitled "An act for the benefit of incorporated towns and to raise a county revenue;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, and said bill read the second time by title, and

*Ordered* to be engrossed and read a third time.

Mr. Snyder introduced a bill, entitled "An act to establish courts;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title.

Mr. Little moved to lay said bill on the table, and that the same be printed; which was not agreed to.



Mr. Ross moved to refer said bill to the committee of the whole Senate, and made the order of the day for to-morrow; which was decided in the affirmative.

On motion of Mr. Little,

The order of business was suspended,

And the bill some days since postponed for one week, entitled "An act to amend an act in relation to the Illinois and Michigan canal, and to provide, by sale of canal lands and water privileges, for the payment of interest on the canal debt," was taken up for consideration.

Mr. Ralston moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That immediately after such sale, or sales, the commissioners shall report to the Auditor of State a full abstract of all such sales, containing a description of such lands, the price for which the same was sold, and the name of the purchaser;" which was agreed to.

And on the question—"Shall said bill pass, as amended?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Feaman, Gibbs, Hamlin, Harris, Harrison, Houston, Hunter, James, Johnston, Little, Markley, Moore, Nunnally, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—24.

Those voting in the negative, are,

Messrs. Baker, Churchill, Evans, Fithian, Gaston, Gatewood, Henry, Killpatrick, Parrish, Ross, Sargent, and Wood—12.

Mr. Stadden moved to amend the title so as to make it read, "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Little,

The order of business was suspended;

Whereupon,

On the further motion of Mr. Little,

The Senate resolved itself into a committee of the Whole Senate, for the purpose of taking into consideration the bill, entitled "An act to provide for the payment of the current expenses of the State, including the interest on the school fund," Mr. Harrison in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Harrison reported that the committee of the Whole Senate had, according to order, had said bill under consideration, had made some progress therein, and directed him to report the same to the Senate, and ask leave to sit again; which was granted

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act to amend an act relative to criminal jurisprudence;"

"An act to incorporate the Peoria Marine and Fire Insurance Company;"

"An act to authorize the trustees of Shawneetown to construct a McAdamized road;"

"An act to incorporate the Springfield Insurance Company;"

"An act to increase the duties of the Fund Commissioner;"

"An act to prevent any assessment of damages in consequence of the location of railroads where the land has not been actually used for the construction of such railroads;"

"An act to exempt certain articles from execution;"

"An act supplemental to an act defining the duties of Public Printer and fixing the time and manner of performing the same;"

"An act in relation to paupers;"

"An act to amend an act providing for the payment of grand and petit jurors," approved February 12, 1835; and

"An act to amend the act incorporating Agricultural Societies;"

In the passage of which several bills they ask the concurrence of the Senate. And he withdrew.

Mr. Pearson introduced a bill, entitled "An act to provide for the loan of money and the sale of canal State bonds for canal purposes;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Canals and Canal Lands.

Mr. Evans introduced a bill, entitled "An act to authorize Joseph Chaffin and Christian Casebur to build a mill-dam across the Kaskaskia river;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Internal Navigation.

Mr. Stadden introduced a bill, entitled "An act granting James Adams certain ferry privileges, and for other purposes;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Canals and Canal Lands.

Mr. Hacker introduced a bill, entitled "An act to provide for sustaining the credit of the State, and for the relief of the people;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Warren,

The rule was dispensed with, said bill read the second time by its title and

On motion of Mr. Hacker,

Referred to the same committee of the Whole Senate to which had previously been referred a bill upon the same subject.

The engrossed bill, entitled "An act for the relief of purchasers of canal lots," was read the third time, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

The engrossed bills, entitled

"An act to establish circuit courts;"

"An act to amend and explain the election law," approved January 10, 1829; and

"An act to prevent collectors from speculating on Auditor's warrants;"

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled "An act authorizing the Canal Commissioners to sell lands in certain cases, was read the second time, and,

On motion of Mr. Sargent,

Referred to the committee on the Judiciary.

The bill, entitled "An act further to amend an act to provide for a settlement of accounts between the State Bank and Bank of Illinois," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled "An act concerning public roads," was read the third time, as amended, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence herein.

The bill from the House of Representatives, entitled "An act to authorize the building of a toll draw-bridge across the Calumet river;" was read the third time, and passed.

*Ordered*, That the Secretary inform the House of Representatives hereof.

The bill from the House of Representatives, entitled "An act to sell the school section in township fourteen north, range eight, east of the fourth principal meridian," was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, and said bill read the second time by its title, and

On motion of Mr. Warren,

The rule was further dispensed with, said bill read the third time by its title, and passed

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Little moved that the Senate adjourn until seven o'clock; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Fithian, Hamlin, Harris, Little, Nunnally, Pearson, Richardson, Sargent, Snyder, and Warren—11.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Gaston, Gibbs, Hacker, Harrison, Houston, Hunter, James, Johnston, Killpatrick, Mark-  
ey, Moore, Parrish, Ralston, Ross, Slocumb, Stadden, Stapp, and Wood

The bill from the House of Representatives, entitled "An act to repeal an act to incorporate the town of Shelbyville;" was read, and

*Ordered* to a second reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to authorize the erection of a mill-dam across Rector's Fork of the Saline, in Gallatin county;" was read, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Navigation.

The bill from the House of Representatives, entitled "An act in relation to incorporated towns and cities in this State," was read, and

*Ordered* to a second reading.

On motion of Mr. James,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Parrish,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to amend an act to incorporate the college therein named," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Churchill,

Referred to the committee on School Lands and Education.

On motion,

The Senate adjourned.

## FRIDAY, FEBRUARY 12, 1841.

Senate met pursuant to adjournment.

Mr. Warren presented the remonstrance of sundry citizens of Shelbyville, against the repeal of the law incorporating said town, and,

On motion of Mr. Warren,

The reading of the same was dispensed with, and referred to the committee on Incorporations.

Mr. Little, from the committee on Incorporations, to which was referred the bill, entitled "An act to incorporate the Le Roy Manual Labor University," reported the same back with an amendment; which was concurred in, and said bill, as amended,

*Ordered* to be engrossed and read a third time.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill, entitled "An act to authorize the Mt. Carmel and

Alton Railroad Company to construct the Southern Cross Railroad," reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Ralston,

The order of business was suspended;

Whereupon,

Mr. Ralston presented the petition of John L. Hunsacker, and others, praying for the establishment of a ferry across the Mississippi river," and,

On motion of Mr. Ralston,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act for the relief J. D. Morrison," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Ralston, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act in relation to summoning witnesses," reported the same back without amendment, and recommended its passage.

Mr. Little moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills, of the following titles, viz:

"An act to authorize the Madison county Ferry Company to construct a road or causeway;"

"An act to authorize the county commissioners of Monroe county to borrow money for certain purposes;"

"An act for the relief of the sheriff of Schuyler county;"

"An act to incorporate the Bond county Academy;"

"An act authorizing an additional justice of the peace in the town of Florence, in Pike county;"

"An act authorizing administrators to settle estates in particular cases;"

Also, they have concurred with the Senate in the passage of a bill for "An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago swamp;" and

"An act concerning county seats and county lines," as amended by them.

In which amendments they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred the bill, entitled "An act for the relief of Samuel Leech and Nicholas N. Smith," reported the same back without amendment, and recommended its passage.

Mr. Little moved that the further consideration of said bill be indefinitely postponed.

Mr. Pearson moved to refer said bill to the committee on the Judiciary, which was not agreed to.

Mr. Slocumb demanded a call of the Senate;

And the roll being called, all the members answered to their names except Messrs. Herndon and Markley.

On motion of Mr. Hamlin,

The further call of the Senate was dispensed with.

Whereupon,

Mr. Hamlin moved to lay said bill on the table; which was not agreed to.

And the question then being put—"Shall the further consideration of said bill be indefinitely postponed?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Fithian, Hacker, Hamlin, Harris, Houston, Hunter, James, Johnston, Killpatrick, Little, Moore, Nunnally, Parrish, Ross, Stapp, Witt, and Wood—21.

Those voting in the negative, are,

Messrs. Baker, Davidson, Evans, Gaston, Gibbs, Harrison, Henry, Pearson, Ralston, Richardson, Sargent, Slocumb, Snyder, Stadden, and Warren—15.

On motion of Mr. Richardson,

*Resolved*, That hereafter no notice shall be taken of the absentees upon a call of the Senate in the minutes of the Journal, and the resolution adopted on Wednesday last upon that subject is hereby rescinded.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act to locate permanently the seat of justice of Logan county." And he withdrew.

Mr. Baker for himself and others, presented the following protest; which was read, and

*Ordered* to be entered upon the Journal, and is as follows, viz:

### PROTEST.

The genius and the policy of republican institutions alike indicate the wisdom and the necessity of a frequent appeal to the people. It is thus, and thus only, that the misconduct of their representatives may be rebuked; and when the guards of the Constitution, and the sacred rights of minorities are trampled under foot, the time has arrived for the appeal, and for the decision.

The undersigned, members of the present General Assembly, have witnessed with regret and indignation the passage of the law for the reorganization of the Judiciary. Their earnest and repeated efforts to defeat it, have been unavailing; and already the din of the degrading contest for its offices and emoluments sounds mournfully in the ear of patriotism.

To the majority of a Legislature, whose idol is party supremacy, we have addressed our reasons and our entreaties in vain. Announced as a party measure, for party purposes, the measure has been strengthened by the startling admission; and it only remains for us to present to the people and the country the cause of our opposition, and our opinion of the results.

One great objection to this bill is, that it is uncalled for by public opinion or public convenience. This bill provides for the repeal of all the Circuit Courts, and for the election of five additional Supreme Judges, who, together with the present Supreme Judges, are required to hold Circuit Courts.

This is an entire change in our judiciary system. By what necessity is it justified, or by what emergency is it required? Does it provide any more Judges to hold Circuit Courts? Does it cause more courts to be held, or more causes to be decided? Will delays of justice be obviated, or justice be brought nearer any man's door? To all these questions the answer must be, No! There are still but nine Circuit Judges. They at least can perform no more circuit duty by being Supreme Judges. They can travel no farther, endure no more sleep no less; for at best they are but men. And whoever examines for a moment, will see that this bill, so far from aiding the speedy administration of justice, must, by imposing new and increased duties upon the Judges presiding on the circuit, materially delay and impede it.

Since the adoption of the circuit system, in 183— the need of additional circuits has been constantly increasing, and gradually supplied. Our population has doubled; our business has increased in a still greater proportion; and the creation of new circuits, so as to keep pace with this advance, has been demanded by the people, and performed by the Legislature.— There can be no doubt that a continuance in this course would have proved for the future, as it has done for the past, convenient, economical, and satisfactory.

But if this change is not called for by public convenience, still less has it been demanded by public opinion. When the Legislature assembled in advance of the usual time, the public mind was turned with feverish anxiety to the condition of the State, and the course of its rulers. An immense debt—an empty treasury—our internal improvement system a wretched skeleton—railroads half finished, or half decayed—iron without roads, and roads without iron—the canal so surrounded with difficulties, that even its truest friends were almost found “to stop, too fearful and too faint to go”—our scrip, issued on the faith of the State, spreading like leaves every where, and like leaves almost valueless: these were some of the difficulties of our condition; and these it was supposed required our utmost wisdom and patriotism.

But while thus surrounded by clouds of misfortune, there was one part of the State administration against which there was no complaint, and in which, almost alone, no change was required: need we say, this was our system of Circuit Courts, established after various trials, conforming itself to the condition and increase of our population, and approved by the experience of all the surrounding States? How strange, how unaccountable must it appear, that, while all the rest of these great interests remained

unprotected, almost untouched, this system of circuit courts has been attacked and destroyed. Yet if unjust and unwise as we believe it to be, public opinion, the great moving principle of free government, had indicated this change, we would have yielded obedience to its dictate or at least bowed in submission to its authority. But this was not the case.

In the canvass preceding the late election, excited and heated as was, the subject was undiscussed; the change was not proposed; and even when it was known that there was a large majority of Van Buren men in either branch of the Legislature. Up to this moment no petition, no complaint upon this subject, has invited the attention of this body, or asked for its legislation to destroy our Judiciary system.

Thus unasked, unrequired, the bill has been ushered into existence; not merely in advance, but in defiance of that public will, for which its supporters always profess such profound respect.

Nor is the manner in which this bill has been sustained, less remarkable. It was preceded by the statement, that the destruction of the existing system was to be followed by the creation of inferior tribunals, by which the public interests would be advanced. Their jurisdiction, their Judges, their location, were left to the imagination of those whose votes were necessary. And if visions of judicial dignity burst upon their excited fancy, and furnished powerful reasons in support of the bill they were called upon to pass, it might well be called a masterstroke of policy, if not of morals, to suggest the idea. Nor were the spoils of victory to be disregarded: scattered in every county of the State, the new clerkships might tempt avarice, and excite ambition, or at least afford a safe, if not honorable retreat from the indignation of the people.

But if these reasons were still insufficient, the genius of its friends was called into brilliant exercise in rousing the spirit of party; and the dominant party were called to its support in the name of democracy, as if the spirit of democracy could animate a measure remarkable only for supreme contempt for the popular will, or stern determination to usurp power. It was thus the democracy were called on to rally to its support; and it was unblushingly avowed as its object, to obtain a democratic majority in the Supreme Court, that they might decide questions of law according to the principles of democracy, or, in other words, according to the will of the party in power. It was by these and kindred means the bare constitutional majority was obtained; and thus the independence of the Judiciary, the surest shield of public welfare and private right, has been brought to abject submission at the feet of legislative authority.

We have not been neglectful of our duty in warning the majority of the danger of these violations of the spirit of the Constitution. We have pointed to the care with which the Constitution has guarded the rights of the Judiciary. We have remonstrated against this evasive mode of removing Judges, who are expressly required by the Constitution to be commissioned during good behaviour; we have asked that, if criminal or incompetent, they should be removed by address or impeachment, the only modes known to the Constitution; and we have deprecated in respectful, but earnest terms, an arbitrary exercise of power, which may soon become the precedent for still more flagrant violations of right and justice.



But we have striven in vain. The torrent of party prejudice has borne down our objections, and we can only hope that in the majesty of the popular will, it may find a barrier sufficient to impede its course, and stay its mischief.

We desire to say, also, that we consider this a fit occasion to express our conviction of the great injury this bill will cause to our character as a State. We have arrived at a critical period in our history; we seem to be surrounded by adverse circumstances well fitted to try our public faith and individual virtue. It would be the greatest, as we trust it may be the last evil we could endure, to lose our rank among States, and stand disgraced amid the fair sisters of our confederacy. But if to the calamities to which we are already subject, and which direct painful attention to our course, is to be added a party judiciary, made by one party, and for one party, and of one party, who that loves his country does not painfully perceive the deep, but certain degradation, which awaits us? Nor do we think the influence of this bill less pernicious in its more immediate results: that there will be a lamentable want of confidence in our courts we firmly believe, nor indeed can it be otherwise. Whoever may be selected as Judges, under this bill, must feel that they receive these offices from party domination, for party purposes: the lofty independence, so becoming to a Judge, cannot exist; the will of the party, and the success of the party must be in their thoughts. And if it were possible to suppose it otherwise, how will they stand with the community? Will they not be subject to the galling, but continual imputation—to the burden of a suspicion, justified, if not by their conduct, at least by their position. Baneful and miserable must the tendencies of this measure be; for our courts, if not corrupt, must be suspected, and the streams of justice turbid, if not by the impurity of the fountain, by the jaundiced vision of the beholder.

There are many of the undersigned who witnessed in another State the fearful consequences of a similar interference with the courts by the legislative authority. They saw there a contest thus produced which, for bitterness and ferocity, has seldom been equalled. They witnessed the whole frame work of society shaken—justice denied, delayed, and brought into disrepute—crime stalking unrebuked and unpunished, and the best interests of a community shattered or crushed; and they cannot remain silent when an attempt is made, which, being intended for similar purposes, may produce similar results.

For the reasons thus presented, and for others no less apparent, the undersigned cannot assent to the passage of the bill, or permit it to become a law without this evidence of their disapproval; and they now protest against the passage of a bill for the reorganization of the Judiciary, because,

1st. It violates the great principles of free government by subjecting the Judiciary to the Legislature.

2d. It is a fatal blow at the independence of the Judges, and the Constitutional tenure of their office.

3d. It is a measure not asked for, or wished by the people.

4th. It will greatly increase the expense of our courts, or else greatly diminish their utility.

5th. It will give our courts a political and partizan character, thereby impairing public confidence in their decisions.

6th. It will impair our standing in the opinion of other States and the world.

7th. It is a party measure for party purposes, from which no practical good to the people can possibly arise, but which may be the source of innumerable evils.

The undersigned are well aware that this protest will be altogether unavailing with the majority of this body. The blow has already fallen, and we are compelled to stand by, the mournful spectators of the ruin it will cause. But we cannot do otherwise than point out the danger of this measure, its impolicy and its usurpation, in order at least that the despotism of a momentary majority, may not become a precedent for succeeding enormities, or future crimes.

We have thus accomplished our only remaining duty upon this painful subject, and we commit the final decision of this great question to the judgment and justice of the people. We have struggled ineffectually to guard the principles of our Government from unhallowed innovation, and we now submit this great question to our constituents and the country. As representatives we can do no more—as citizens we shall be found where we have ever been, contending for the supremacy of the Constitution.

Nor are we without one great consolation; there is a spirit in the people, sometimes slumbering, but never extinct, which, when thoroughly aroused by usurpation or tyranny, will overwhelm the usurper and his devices in an undistinguished ruin; nor can they long escape this generous indignation, who prostitute the power bestowed by the people to unworthy ends or selfish purposes. When that spirit shall kindle in its might and rebuke the authors and abettors of this plan, we may rely upon this protest as a proof of our fidelity to the cause of the country, and a shield against the indignation of the people.

E. D. BAKER,  
JNO. HAMLIN,  
GEO. W. HARRISON,  
W. FITHIAN,  
JOHN HENRY,  
WM. L. SARGENT.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills of the following titles, viz:

“An act to amend an act, entitled ‘An act to incorporate the town of Kaskaskia,’” approved January 6th, 1818;

“An act to incorporate the Cairo City Mills;”

“An act to authorize the county commissioners of Pike county to execute a certain conveyance;”

“An act to incorporate the Western Marine and Fire Insurance Company;”

“An act to amend the several acts to extend the corporate powers of the town of Peoria;” and

"An act to regulate Foreign Insurance Company Agencies, established in the State of Illinois," as amended by them.

In which amendments they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of bills of the following titles, viz:

"An act to incorporate the Payson Academy;"

"An act to incorporate the Schuyler City Manufacturing Company;"

and  
"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;'"

Mr. Witt introduced a bill, entitled "An act for the relief of the Sheriff of Greene county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, and said bill read the second time by its title, and,

*Ordered* to be engrossed and read a third time.

Mr. Parrish introduced a bill, entitled "An act to incorporate the Fancy Farm College;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Killpatrick introduced a bill, entitled "An act to provide for paying the debts of counties and creating a fund for the payment of jurors;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Killpatrick,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Killpatrick moved to refer the same to the committee on the Judiciary.

Mr. Stapp moved to lay said bill on the table; which was not agreed to.

And the question being on referring said bill to the committee on the Judiciary,

It was decided in the affirmative.

The engrossed bill, entitled "An act to prevent a misapplication of public money on the line of the Illinois and Michigan canal," was read the third time.

Mr. Pearson moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That the first section of this act shall not be in force until the first Monday of January, 1843;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Harrison, Hunter, Moore, and Pearson—8.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hamlin, Harris, Heary, Houston, James, Johnston, Killpatrick, Little, Markley, Parrish, Ralston, Richardson, Ross, Sargent, Sloss, Snyder, Stadden, Stapp, Warren, Witt, and Wood—29.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the benefit of incorporated towns, and to raise a county revenue, was read the second time.

And on the question—"Shall said bill pass?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Hamlin, and Killpatrick—3.

Those voting in the negative, are,

Messrs. Allen, Baker, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Harrison, Henry, Houston, Hunter, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt, and Wood—35.

The bill, entitled "An act to authorize James P. Morris to remove obstruction in Cahokia creek," was read the second time, and

*Ordered* to be engrossed and read a third time.

The bill, entitled "An act to authorize justices of the peace to issue fees bills for the collection of costs," was read the second time,

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gibbs, Houston, Hunter, James, Johnston, Little, Ralston, Richardson, Ross, and Slocumb—18.

Those voting in the negative, are,

Messrs. Gaston, Gatewood, Hacker, Hamlin, Harris, Harrison, Henry, Killpatrick, Markley, Moore, Nunnally, Parrish, Pearson, Sargent, Snyder, Stadden, Stapp, Warren, and Wood—19.

The bill from the House of Representatives, entitled "An act to create the county of Kendall," was read the third time, as amended, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to create the county of Grundy from the county of La Salle, was read the third time, and passed.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act to vacate the plat of the town of Iowa, in Perry county," was read, and

*Ordered* to a second reading.

On motion of Mr. Johnston,

The rule was dispensed with, and said bill read the second time by its title, and referred to the committee on Petitions.

The bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river," was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule was dispensed with, and said bill read the second time by its title, and,

On motion of Mr. Hamlin,

Referred to the committee on Incorporations.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representative to inform the Senate that they have concurred with them in the passage of bills of the following titles, viz:

"An act to establish a State road from York, in Clark county, to Waterton, in Clay county;"

Also, a bill for "An act for the relief of certain securities therein named;" as amended by them.

In which amendments they ask the concurrence of the Senate.

They have passed a bill of the following title, a bill for "An act supplemental to an act to incorporate the Mount Auburn Coal Company, and to increase the capital of said Company to one million of dollars, for the purposes hereinafter mentioned."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

The bill from the House of Representatives, entitled "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip," was read, and

*Ordered* to a second reading.

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Finance.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a resolution having for its object the election of five additional Judges of the Supreme Court, on Saturday next at 2 o'clock, P. M., as amended by them.

They have amended the resolution as follows, viz:

"By adding President, Acting Commissioner, and Treasurer of the Canal Board."

In which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston moved to suspend the order of business for the purpose of taking up the message just received from the House of Representatives which was agreed to.

And on the question—"Will the Senate concur with the House of Representatives in their amendment to the resolution in relation to the election of certain officers?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to change the name of the town of Millersburg in the county of Mercer to that of Troy;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Johnston,

The rule of the Senate was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Harrison,

Referred to the committee on Internal Navigation.

A message from the House of Representatives by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have refused to recede from their amendments to a resolution from the Senate, having for its object the election of five additional Judges of the Supreme Court on Saturday next, at two o'clock, P. M. And he withdrew.

The bills from the House of Representatives, entitled

"An act authorizing Henry Hand to keep a ferry across Rock river;" and

"An act to incorporate the Peoria Marine and Fire Insurance Company;"

Were severally read, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills were severally read the second time by their titles, and referred to the committee on Incorporations.

The bills from the House of Representatives, entitled

"An act for the relief of the collector of Pope county;" and

"An act to increase the duties of the Fund Commissioner;"

Were severally read, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, and said bills were severally read the second time by their titles, and referred to the committee on Finance.

The bills from the House of Representatives, entitled

"An act for the collection of the taxes of Henry county;"

“An act creating an additional justice of the peace and constable in Merry Grove precinct, Knox county;”

“An act to incorporate the Salem Steam Mill Company;” and

“An act to authorize the trustees of Shawneetown to construct a Macadamized road;”

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills were severally read the second and third times by their titles, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

“An act to authorize the sale of streets in Hillsboro;”

“An act to amend the several acts incorporating the Beardstown and Paduagon Canal Company;” and

“An act to amend an act providing for the payment of grand and petit jurors,” approved February 13, 1835,

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills were severally read the second time by their titles, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled “An act relative to the times of holding Circuit Courts in the counties of Champaign, Coles, Sangamon, and Vermilion,” was read, and

*Ordered* to a second reading.

On motion of Mr. Nunnally,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Public Roads.

The bills from the House of Representatives, entitled

“An act to establish a ferry across the Illinois river, at Peru;” and

“An act to authorize Lester Barker, Alanson House, and their associates, to build a mill-dam across Fox river;”

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills read the second time by their titles, and referred to the committee on Canals and Canal Lands.

The bill from the House of Representatives, entitled “An act to amend an act relative to criminal jurisprudence,” was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled “An act to exempt certain articles from execution,” and

“An act to incorporate the Springfield Insurance Company,” were severally read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act supplemental to an act defining the duties of Public Printer and fixing the time and manner of performing the same," was read, and

*Ordered* to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on the Penitentiary.

The bill from the House of Representatives, entitled "An act in relation to paupers," was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second and third time by its title,

And on the question—"Shall said bill pass?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Feaman, Gaston, Gibbs, Harris, Houston, Hunt, James, Johnston, Markley, Ross, Slocumb, Warren, and Wood—15.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Evans, Fithian, Hacker, Hamlin, Harrison, Henry, Killpatrick, Little, Moore, Nunnally, Parrish, Pears, Ralston, Sargent, Snyder, Stadden, Stapp, and Witt—21.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend an act incorporating Agricultural Societies," was read,

And on the question—"Shall said bill be read the second time?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to prevent any assessment of damages in consequence of the location of roads where the land has not been actually used for the construction of such railroads," was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Hamlin moved to amend said bill by adding the following as additional section, viz:

"SEC. — That all cases of appraisement of damages to any individual in the county of Peoria, by reason of the construction of the Peoria and Warsaw railroad across their lands, when appeals were taken by the State from the award of the appraisers, and the appeals afterwards dismissed by the State; and when the said damages have not yet been paid, shall be reinstated upon the docket of the Circuit Court of Peoria county, and tried the same as though the said appeals had never been dismissed."

Mr. Parrish moved to refer said bill, and proposed amendment, to the committee on Internal Improvements.



On motion of Mr. Hamlin,  
the order of business was suspended,  
Whereupon,  
Mr. Hamlin presented the remonstrance of sundry citizens of Tazewell  
Peoria counties, against the passage of a ferry grant to Wm. L.  
y, and,

On motion of Mr. Hamlin,  
the reading was dispensed with, and referred to the committee on In-  
corporations.

On motion of Mr. Snyder,  
the order of business was suspended;  
Whereupon,

On the further motion of Mr. Snyder,  
the Senate resolved itself into a committee of the Whole, for the pur-  
of taking into consideration the bill, entitled "An act to establish  
ty courts," Mr. Moore in the chair, and after some time spent there-  
Mr. Speaker resumed the chair, and  
Mr. Moore reported that the committee of the Whole Senate had, ac-  
cording to order, had said bill under consideration, and had made several  
amendments thereto, and directed him to report the same back to the Se-  
nate, and ask their concurrence therein.

and on the question—"Will the Senate concur with the committee in  
amendments to said bill?"  
was decided in the affirmative and,

On motion of Mr. Hacker,  
said bill was referred to the committee on the Judiciary.

On motion of Mr. Hacker,  
the order of business was further suspended,  
Whereupon,

Mr. Hacker introduced a bill, entitled "An act supplemental to the act  
relating to the Cairo City and Canal Company;" which was read, and  
ordered to a second reading.

On motion of Mr. Richardson,  
the order of business was further suspended;  
Whereupon,

Mr. Richardson introduced a bill, entitled "An act to incorporate the  
Tyler County Manufacturing and Transportation Company;" which  
was read, and  
ordered to a second reading.

On motion,  
the Senate adjourned.

SATURDAY, FEBRUARY 13, 1841.

Senate met pursuant to adjournment.

Mr. Wood presented the petition of sundry citizens of Randolph and Washington counties, asking to be exempt by law from serving on jury and,

On motion of Mr. Wood,

The reading was dispensed with, and referred to the committee on Judiciary.

Mr. Parrish, from the committee on Salines and Saline Lands, to which was referred the bill, entitled "An act for the benefit of the inhabitants of the town nine south, range eight east, in Gallatin county," reported the same back without amendment, and recommended its passage.

Mr. Moore, from the committee on Counties, to which was referred the petition and remonstrance of sundry citizens of Bureau county, in relation to the tax of said county, reported a bill, entitled "An act to amend an act, entitled 'An act to create the county of Bureau;'" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read the second time by its title and

*Ordered* to be engrossed and read a third time.

Mr. Moore, from the same committee, to which was referred the petition of sundry citizens of Carroll county, for an alteration of the county lines, reported a bill, entitled "An act to extend the boundaries of the county of Carroll;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Sargent,

The rule was dispensed with, said bill read the second time by its title and

*Ordered* to be engrossed and read a third time.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to repeal an act incorporating the town of Shelbyville," reported the same back without amendment.

Mr. Warren moved that the further consideration of said bill be definitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Wood, from the committee on Petitions, to which was referred a bill from the House of Representatives, entitled "An act to vacate the plat of the town of Iowa, in Perry county," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Wood,

The rule was further dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Moore, from the committee on Counties, to which was referred the bill, entitled "An act to extend the boundary of Cass county," reported the same back, and recommended its rejection.

Mr. Henry moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Mr. Moore, from the committee on Counties, reported a bill, entitled "An act to authorize the appointment of assessors in certain cases;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Finance.

Mr. Harrison, from the committee on Internal Navigation, to which was referred the bill, entitled "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes," together with sundry petitions in relation to the same subject, reported the same back with an amendment; which was concurred in.

Mr. Davidson moved further to amend said bill as follows:

"*Provided*, That the sheriffs herein named are not required, nor are they authorized to remove said dams until after the 15th day of November next."

Mr. Allen moved that the further consideration of said bill and proposed amendment be indefinitely postponed; which was not agreed to.

And the question being taken on the adoption of the proposed amendment,

It was decided in the affirmative.

And said bill, as amended,

*Ordered* to be engrossed and read a third time.

Mr. Churchill, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act concerning assessors," reported the same back with an amendment; which was concurred in, and said bill

*Ordered* to a third reading, as amended.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act to establish county courts," reported the same back without amendment, and recommended its passage.

Mr. Pearson moved to amend said bill by striking out the words "five hundred," whenever they occur in the bill, and insert "two hundred and fifty" in lieu thereof.

Mr. Ross called for a division of the question.

And the question being first taken upon striking out,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Fithian, Gatewood, Harrison, Henry, Little, Nunnally, Pearson, Sargent, and Warren—10.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harris, Herndon, Houston, Hunter, James, John-

ston, Killpatrick, Markley, Moore, Parrish, Ralston, Richardson, Ross, Slocumb, Snyder, Stadden, Stapp, Witt, and Wood—29.

Mr. Pearson moved further to amend said bill by adding the following as a proviso, viz:

*“Provided, That the Judges so elected shall be authorized and required, ten days prior to the holding any quarterly term of said court, to notify two justices of the peace in said county to sit with him at such terms to advise with said Judge, on questions arising in said court; Provided however, if said justices shall disagree with said judge on any question, the decision shall be made by the presiding judge;”* which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Davidson, Fithian, Harrison, Parrish, Pearson, and Stapp—7.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harris, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stadden, Warren, Witt, and Wood—30.

And on the question—“Shall said bill be engrossed and read a third time?”

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, Snyder, Stadden, Witt, and Wood—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Johnston, Killpatrick, Little, Pearson, Ross, Sargent, Slocumb, Stapp, and Warren—17.

On motion of Mr. Snyder,

The rule was dispensed with, said bill read the third time by its title, And on the question—“Shall said bill pass?”

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Markley, Moore, Nunnally, Parrish, Ralston, Richardson, Snyder, Stadden, Witt, and Wood—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Johnston, Killpatrick, Little, Pearson, Ross, Sargent, Slocumb, Stapp, and Warren—16.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

“An act to locate the county seat of Stark county, and to make certain additions to said county;” and

"An act creating an additional justices precinct in Johnson county."

In the passage of which they ask the concurrence of the Senate.

I am also directed by the House of Representatives to inform the Senate that they have adopted the following resolution:

*Resolved*, That a committee of conference on the disagreeing vote of the two Houses on the resolution to elect five Judges of the Supreme Court, amended by the House of Representatives.

They have appointed Messrs. Cavarly, Peck, and English the committee on the part of the House of Representatives.

They have passed a bill of the following title, viz:

"An act for the formation of the county of Woodford."

In which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Richardson,

The order of business was suspended,

And the resolution contained in the message from the House of Representatives, just received, in relation to the appointment of a joint select committee upon the disagreeing vote of the two Houses upon the resolution in relation to the election of certain officers.

And on the question—"Will the Senate concur with the House of Representatives in the adoption of said resolution?"

It was decided in the affirmative.

*Ordered*, That Messrs. Richardson and Ross be the committee on the part of the Senate and that the Secretary inform the House of Representatives thereof.

Mr. Stapp moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, that no new business shall be received into either House after Tuesday the 16th inst.; which was decided in the negative.

Mr. Stapp introduced a bill, entitled "An act to authorize the election of an additional county commissioner for Henderson county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson introduced a bill, entitled "An act authorizing school commissioners to convey land in certain cases;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Sargent,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Markley introduced a bill, entitled "An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county," which was read, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill was read the second time by its title, and

*Ordered* to be engrossed and read a third time.

On motion of Mr. Ralston,

The rule was further dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Churchill introduced a bill, entitled "An act concerning the records of Madison county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Churchill,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Hamlin,

Referred to the committee on the Judiciary.

Mr. Gibbs introduced a bill, entitled "An act to create a new county from the counties of Pope and Johnson;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gibbs,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

On motion of Mr. Little,

The order of business was suspended;

Whereupon,

Mr. Gibbs presented the remonstrance of sundry citizens of Johnston county, against the division of such county, and,

On motion of Mr. Gibbs,

The reading of the same was dispensed with, and referred to the committee on Counties.

The bill, entitled "An act to incorporate the Schuyler County Manufacturing and Transportation Company," was read the second time, and,

On motion of Mr. Richardson,

Referred to the committee on Incorporations.

The bill, entitled "An act supplemental to the act in relation to the Cairo City and Canal Company," was read the second time, and,

On motion of Mr. Hacker,

Referred to the committee on Internal Improvements.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have refused to order to a second reading a bill for "An act to prevent a misapplication of public money on the line of the Illinois and Michigan Canal." And he withdrew.

The bills from the House of Representatives, entitled

"An act for the relief of J. D. Morrison;"

"An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;" and

"An act to authorize the sale of streets in Hillsboro;"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend an act providing for the payment of grand and petit jurors," approved February 13, 1835; was read the third time.

Mr. Davidson moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Hacker, Hamlin, Harrison, Houston, James, Johnston, Killpatrick, Moore, Parrish, Pearson, Ralston, Richardson, Ross, Slocumb, Snyder, and Warren—19.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Fithian, Gaston, Gibbs, Harris, Herndon, Hunter, Little, Markley, Nunnally, Sargent, Stadden, Stapp, Witt, and Wood—18.

On motion,

The Senate adjourned until 2 o'clock.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a report from James Shields and S. A. Douglass, the commissioners appointed to audit and settle the accounts for work done upon the State House, in relation to the duties of their office; which was read.

Mr. Snyder moved that the same be laid on the table, and that five hundred copies thereof be printed for the use of the Senate; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hamlin, Harris, Houston, Hunter, James, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Snyder, Stapp, Warren, Witt, and Wood—31.

Those voting in the negative, are,

Messrs. Fithian, Harrison, Herndon, and Killpatrick—4.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to a bill for "An act supplemental to an act in relation to the Charleston Seminary and Jonesboro College," approved February 3, 1840.

They have also concurred with them in their amendments to a memorial to Congress in relation to the purchase of lands by settlers in forty acre tracts. And he withdrew.

On motion of Mr. Richardson,

The order of business was suspended;

Whereupon,

Mr. Richardson moved the adoption of the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,*  
That the two Houses will meet in the Hall of the House of Representa-

tives on Monday the 15th inst. at the hour of two o'clock, P. M., for the purpose of electing five Justices of the Supreme Court, one President, one Acting Commissioner, and one Treasurer of the Canal Board, and circuit attorneys for the following circuits viz: the 1st, 3d, 6th, 7th, and 9th.

Mr. Harris moved to amend the same by striking out all in relation to the election of circuit attorneys; which was agreed to.

Mr. Ross moved to amend by striking out all in relation to the election of Canal Commissioners; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Cullom, Evans, Feaman, Gaston, Hacker, Hamlin, Harris, Herndon, Houston, Hunter, James, Killpatrick, Little, Nunnally, Parrish, Ralston, Ross, Sargent, Slocumb, Warren, and Wood—21.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Davidson, Fithian, Gibbs, Harrison, Johnston, Markley, Moore, Pearson, Richardson, Stadden, Stapp, and Witt—15.

And the question then being taken on the adoption of the resolution, as amended,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Parrish,

The order of business was suspended;

Whereupon,

On motion of Mr. Allen,

The Senate again resolved itself into a committee of the Whole for the purpose of taking into consideration the bill, entitled "An act to provide for the payment of the current expenses of the State, including the interest on the school Fund," Mr. Harrison in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Harrison reported that the committee of the Whole Senate had, according to order, had said bill under consideration, had made some progress therein, and had directed him to report the same to the Senate, and ask leave to sit again; which was not agreed to.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of the resolution having for its object the election of five justices of the Supreme Court, on Monday next, at 2 o'clock, P. M.

On motion,

The Senate adjourned.



MONDAY, FEBRUARY 15, 1841.

Senate met pursuant to adjournment.

The question recurring on the question pending at the time of adjournment on Saturday evening, which was upon ordering to be engrossed and read a third time the bill, entitled "An act to provide for the payment of the current expenses of the State, including the interest on the school fund,"

Mr. Gatewood moved to amend said bill by striking out all after the enacting clause and insert the following in lieu thereof, viz:

"That the capital stock of the State, in the State Bank of Illinois, shall be increased the sum of two millions of dollars, and for the purpose of raising the sum to pay into said Bank for the subscription to, and for said stock, the Governor shall issue bonds to that amount, drawing six per cent. interest, payable semi-annually at any place to be named in said bonds reimbursable at the pleasure of the State at any time after the year eighteen hundred and seventy; which said bonds shall be executed in the same manner as the bonds were heretofore executed under the provisions of an act, entitled "An act to increase the capital stock of certain Banks, and to provide the means to pay the interest on a loan authorized by an act entitled 'An act to establish and maintain a general system of Internal Improvements,'" approved March 4, 1837; *Provided*, That said bonds shall in no case be sold at less than par value to the State of Illinois, payable in the city of New York.

"SEC. 2. That hereafter said Bank may charge and receive a rate of interest not exceeding seven per cent. per annum on all loans for any time less than six months, and nine per cent. on loans for any time over six months.

"SEC. 3. That hereafter the suspension on the part of said Bank of the payment of specie for its notes shall not work a forfeiture of the charter of said Bank, unless it shall so happen that such suspension shall take place at a time when all the solvent Banks in the western states are paying specie on demand for their paper.

"SEC. 4. Said Bank shall set apart one per centum on the capital stock owned by the State, as a sinking fund, which shall be permanently deposited in said Bank for the term of twenty years, if the charter of said Bank shall so long continue, at an annual interest of six per cent. interest, which shall annually be added to the principal during all the time aforesaid, and the said bank shall also pay into the State Treasury a bonus or tax of one per cent. on private stock for the ordinary uses of the State Government.

"SEC. 5. The Governor of the State, by and with the advice of the Senate, shall nominate and appoint an equal number of Directors with those appointed by the private stockholders of the Bank, and shall in the same manner also appoint two Directors in each branch of said Bank.

"SEC. 6. It shall be lawful and shall moreover be the duty of the Bank aforesaid, under the provisions of this act to guarantee the punctual pay-

ment of the interest on the bonds hereby authorized to be sold until the time of redemption hereinbefore specified.

"SEC. 7. Said Bank shall also guarantee the payment of interest on the bonds now in her possession and unsold, which were issued under the act, entitled "An act to increase the capital stocks of certain Banks and to provide the means to pay the interest on a loan authorized by an act, entitled 'An act to establish and maintain a general system of Internal Improvements,'" approved March 4, 1837, and proceed to sell the same without delay; and the authority of the State is hereby given as a stockholder to sell the same.

"SEC. 8. All proceedings under any provision of any of the charters of either of the Banks in this State, which might be had before any court of justice in this State, to work a forfeiture of either of their charters, shall be and the same are hereby suspended until the end of the next regular or special session of the General Assembly of the State of Illinois.

"SEC. 9. Before any of the Banks of this State shall be entitled to the privileges of the eighth section of this act they shall come under the following restrictions, that is to say, they shall give a true and full statement of their credits and indebtedness respectively, on the oath of the Cashier of the same to the Auditor of Public Accounts; which said statement shall be filed by the Auditor, and reported by him at length to the next regular or special session of the General Assembly which may be held thereafter.

"SEC. 10. The said Banks respectively shall also enter into bond with the said Auditor of Public Accounts, that such bank will not declare any dividend to private stockholders during such suspension; but that the same shall be retained in such Bank for the use of said private stockholders, and that they will also declare the first and proper dividends to the State on her stock to the full amount, and pay the same over to the Treasurer of the State, as the same may be due on the one hundred thousand dollars subscribed for by act of March 2d, 1837; and, also, to the Fund Commissioners the full amount due on the whole amount of Bank and internal improvement stock."

Mr. Gatewood moved to postpone the further consideration of said bill, and the proposed amendment, until to-morrow evening at 2 o'clock, P. M., and that it be then the special order of the day, at the same hour every day thereafter, until disposed of; which was decided in the affirmative.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have repassed a bill for "An act to authorize the sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named." The objections of the Council of Revision to the contrary notwithstanding.

They have concurred with the Senate in the passage of bills of the following titles, viz:

"An act supplementary to an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" approved March 4th, 1837;

"An act to enable the trustees of Juliet to levy a tax, and to pay liabilities against said town;"

"An act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village;"

"An act to amend an act, entitled 'An act for the relief of Charles J. Weed,' approved January 27, 1837;

They have also concurred with them in their amendments to the following bills, viz:

"An act to create the county of Kendall;"

"An act to vacate town plats;"

"An act in relation to free negroes and mulattoes;"

"An act to provide for draining mill-dams on the Mackinaw creek;"

"An act to extend the limits of Bond county;"

"An act to locate, alter, and relocate certain State Roads."

They have also concurred with them in their amendments to a memorial to Congress in relation to settlers on public lands.

They have passed a bill of the following title, viz: "An act to establish the county of Okaw."

In which they ask the concurrence of the Senate.

They have refused to concur with the Senate in their amendments to a bill for "An act for the relief of the creditors of the late William Wernwag." And he withdrew.

Mr. Speaker laid before the Senate a report from the Commissioners of the Illinois and Michigan canal in pursuance of a resolution of the Senate, in relation to the cost of constructing the canal from Peru to the Du Page feeder; which was read, and,

On motion of Mr. Stapp,

Laid on the table.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to dispense with advertising the time of holding general elections," reported the same back, and recommended its rejection.

Mr. Stadden moved to lay the same on the table until the 4th day of July next; which was decided in the affirmative.

Mr. Ralston, from the same committee, to which was referred the bill, entitled "An act for the benefit of John W. Evans," reported the same back, and recommended its rejection.

Mr. Cullom moved to lay the same on the table; which was decided in the affirmative.

Mr. Pearson, from the same committee, to which was referred the bill, entitled "An act authorizing the Cannal Commissioners to sell land in certain cases," reported the same back without amendment and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Ralston, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act in relation to incorporated towns and cities in this State," reported the same back with an amendment; which was concurred in, and said bill

*Ordered* to a third reading, as amended.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill from the House of Representatives, entitled "An act relative to the times of holding Circuit Courts in the counties of Champaign,

Coles, Edgar, and Vermilion," reported the same back, and recommended its rejection.

On motion of Mr. Fithian,  
Said bill was laid on the table.

Mr. Harrison, from the committee on Internal Navigation, to which was referred a bill, entitled "An act to authorize Joseph Chaffin and Christian Casebur to build a mill-dam across the Kaskaskia river," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act for the relief of James McKee," reported the same back without amendment, and recommended its passage.

And the question being taken on ordering said bill to a third reading, it was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Evans, Hunter, Pearson, Ralston, and Stoddard—7.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Herndon, Houston, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Richardson, Ross, Sargent, Snyder, Stadden, Stapp, Warren, Witt, and Wood—31.

Mr. Little from the same committee, to which was referred the bill entitled "An act to incorporate the Fancy Farm College," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Peoria Marine and Fire Insurance Company," reported the same back without amendment, and recommended its passage.

Mr. Hamlin moved to amend said bill by striking out all of the first section; which was agreed to, and said bill as amended, was

*Ordered* to a third reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read the third time, as amended and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to said bill.

Mr. Gatewood, from the committee on Finance, reported a bill, entitled "An act to regulate the Banks in the State of Illinois, and increase the capital stock;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Davidson,

Laid on the table, and five hundred copies thereof

*Ordered* to be printed for the use of the Senate.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that the House of Representatives are now ready to receive them in the Hall of the House of Representatives to proceed to the election of five justices of the Supreme Court in pursuance of a joint resolution of the two Houses.

Whereupon,

The Senate, preceded by their Speaker, proceeded to the Hall of the House of Representatives, and the two Houses then proceeded to vote for five justices of the Supreme Court by joint ballot; when

Mr. Cavarly of the House of Representatives nominated Sidney Breese, Thomas Ford, Samuel H. Treat, Walter B. Scates, and Stephen A. Douglass.

Mr. Stapp, of the Senate, and Mr. English, of the House of Representatives, were appointed tellers, and the votes being counted, stood thus:

For Sidney Breese—73.

For Thomas Ford—75.

For Samuel H. Treat—75.

For Walter B. Scates—74.

For Stephen A. Douglass—71.

For Mr. Robinson—40.

For Mr. Lott—22.

For Mr. Thomas—17.

For Mr. Harlan—17.

For Mr. Stone—12.

Whereupon, Sidney Breese, Thomas Ford, Samuel H. Treat, Walter B. Scates, and Stephen A. Douglass, having received a majority of all the votes given, were, by the Speaker of the House of Representatives, declared duly elected justices of the Supreme Court of the State of Illinois.

And the Senate then returned to their chamber.

Mr. Hacker moved that the Senate adjourn; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Cullom, Davidson, Gaston, Gatewood, Gibbs, Hacker, Harrison, Hunter, Johnston, Little, Moore, Nunnally, Parrish, Richardson, Slocumb, Snyder, Stadden, and Warren—19.

Those voting in the negative, are,

Messrs. Allen, Churchill, Evans, Feaman, Fithian, Hamlin, Harris, Herndon, Houston, James, Killpatrick, Markley, Pearson, Ralston, Ross, Sargent, Stapp, Witt, and Wood—19.

And there being a tie, Mr. Speaker voted in the affirmative.

## TUESDAY, FEBRUARY 16, 1841.

Senate met pursuant to adjournment.

Mr. Parrish presented the petition of sundry citizens of Franklin county, relating to the public property in Frankfort; which was read, and,

On motion of Mr. Parrish,

Referred to the committee on Public Accounts and Expenditures.

Mr. Ross, from the committee on Military Affairs, introduced a bill, entitled "An act to reduce the number of Canal Commissioners, and to curtail the expenses in the prosecution of the work on the Illinois and Michigan canal; which was read, and

*Ordered to a second reading.*

On motion of Mr. Ross,

The rule was dispensed with, said bill read the second time by its title.

Mr. Pearson moved to refer the bill to the committee on the Judiciary.

Mr. Ross moved to refer the same to the committee of the Whole, and made the order of the day for to-morrow or some day thereafter.

Mr. Johnston from the committee on the Judiciary, to which was referred the bill, entitled "An act to designate the counties composing the third Judicial Circuit, and fixing the time of holding courts therein," reported the same back without amendment, and recommended its rejection.

Mr. Johnston moved that the further consideration of said bill be indefinitely postponed; which was agreed to.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill, entitled "An act concerning the Great Western Mail Route," reported the same back with an amendment; which was not agreed to.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Cullom, Davidson, Evans, Feaman, Fithian, Gatewood, Gibbs, Hacker, Harrison, Henry, Houston, Killpatrick, Little, Ross, Sargent, Snyder, Stadden, Stapp, Warren, and Witt—22.

Those voting in the negative, are,

Messrs. Churchill, Gaston, Hunter, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Slocumb and Wood—12.

Mr. Pearson, from the committee on the Judiciary, to which was referred the bill, entitled "An act for the relief of purchasers of canal lots," reported the same back with an amendment,

And on the question—"Will the Senate concur with the committee in their amendments to said bill?"

It was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Hacker, Hamlin, Harrison, Hunter, Pearson, Richardson, Snyder, Stadden, Stapp, and Witt—10.

Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Homan, Gaston, Gibbs, Harris, Henry, Herndon, Houston, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Ralston, Sargent, Slocumb, Warren, and Wood—28.

Mr. Davidson moved to recommit said bill to the committee on the Judiciary, with the following instructions, viz:

That they amend the bill by providing that the purchasers of canal lands and lots, who have forfeited the same, be entitled to a deed for so much of the property as they may actually have paid for, allowing the interest upon the amount so paid from the time of forfeiture."

Mr. Snyder moved to lay the bill and amendment on the table; which was not agreed to.

And the question then being taken on recommitting said bill with instructions,

it was decided in the negative.

Mr. Gibbs moved to amend said bill by adding the following as a proviso, viz:

*Provided*, That they receive but half of the property purchased, and ten per cent. to the State from the time of the forfeiture."

Mr. Baker moved to lay the bill and amendment on the table; which was not agreed to.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river," reported the same back with an amendment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have refused to concur with them in the passage of a bill for "An act regulating evidence in certain cases."

They have passed bills of the following titles:

An act to change the name of certain persons;"

An act to repeal an act therein named;"

An act to define the corporate limits of the town of Lacon, and to value the plat of the town of Auburn;"

An act to authorize John Primm, Sen., to build a mill-dam across Sagamon river;"

An act to authorize Solomon Husalton to build a dam across Little Sagamon river, and for other purposes."

And which they ask the concurrence of the Senate. And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled, bills of the following titles, viz:

An act to incorporate the Schuyler City Manufacturing Company;"

An act to locate permanently the seat of justice of Logan county;"

"An act for the relief of the sheriff of Schuyler county;"

"An act to incorporate the Payson Academy;"

"An act to incorporate the Bond county Academy;"

"An act to authorize the county commissioners of Monroe county to borrow money;"

"An act authorizing administrators to settle estates in particular cases;"

"An act to amend an act, entitled 'An act to incorporate the Jo Davies Marine and Fire Insurance Company;'"

"An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes,'"

"An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county;"

"An act to authorize the Madison county Ferry Company to construct a road or causeway;"

"An act to enable the trustees of Juliet to levy a tax and to pay liabilities against said town;" and

"An act to amend an act, entitled 'An act for the relief of Charles J. Weed,'" approved January 27, 1837.

And also that they have this day laid said bills before the Council of Revision.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

And the bill, entitled "An act to provide for the payment of the current expenses of the State, including the interest on the school fund," being under consideration, together with the proposed amendment thereto,

Mr. Herndon moved to indefinitely postpone the consideration of the bill and amendment; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Hacker, Herndon, James, Markley, Nunnally, Parrish, Ralston, Richardson, and Snyder—12.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Gatewood, Gibbs, Harris, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Pearson, Ross, Sargent, Slocumb, Warren, Witt, and Wood—21.

Mr. Gatewood then moved to recommit the bill and amendment to the committee on Finance; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Gatewood, Gibbs, Johnston, Nunnally, Parrish, Pearson, Richardson, Stadden, Warren, and Witt—10.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Little, Markley, Ralston, Ross, Sargent, Slocumb, Snyder, and Wood—27.



The question then being taken on the adoption of the proposed amendment,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Johnston, Markley, Nunnally, Parrish, Ralston, Stadden, Warren, and Witt—16.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Ross, Sargent, Slocumb, Snyder, Stapp, and Wood—19.

Mr. Baker moved to amend the bill by striking out all after the enacting clause, and insert the following, viz:

"That the provisions of a law, approved January 31, 1840, and entitled "An act in relation to the State Bank of Illinois," are hereby revived, and continued in force until the first day of December, 1841; and the State Bank is hereby allowed to avail herself of all the provisions of said law, under the restrictions therein contained, until the first day of December, 1841; *Provided*, That if the Bank shall suspend specie payments, she shall pay into the treasury of the State the sum of \_\_\_\_\_ for every three months she may so suspend, and upon any failure so to pay said sum the provisions of this act shall be null and void."

Mr. Ross called for a division of the question.

And the question being first taken on striking out,

It was decided in the negative.

And on the question—"Shall said bill be engrossed and read a third time?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Hamlin, Harrison, Henry, Hunter, Killpatrick, Little, Ross, Slocumb, Stapp, and Witt—12.

Those voting in the negative, are,

Messrs. Baker, Cullom, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Nunnally, Parrish, Pearson, Ralston, Sargent, Snyder, Stadden, Warren, and Wood—24.

On motion of Mr. Henry,

The order of business was suspended;

Whereupon,

Mr. Henry introduced a bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river;" which was read, and

Ordered to a second reading.

On motion of Mr. Henry,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Improvements.

The question then recurring on the question pending at the time of adjournment, which was upon concurring with the committee in their amendment to the bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river."

Mr. Hamlin moved to lay said bill and amendment on the table; which was decided in the affirmative.

Mr. Nunnally, from the committee on Public Roads, to which was referred the petition of John L. Hunsacker and others, praying for a ferry across the Mississippi river, reported a bill, entitled "An act to authorize John L. Hunsacker to keep a ferry across the Mississippi river;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the second time by its title and

*Ordered* to be engrossed and read a third time.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill from the House of Representatives, entitled "An act to prevent any assessment of damages in consequence of the location of railroads when the land has not been actually used for the construction of such railroads," together with the proposed amendment thereto, reported the same back without further amendment, and recommended the rejection of the proposed amendment to said bill.

And the question being taken on concurring with the committee in their report,

It was decided in the affirmative.

And said bill,

*Ordered* to a third reading.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill from the House of Representatives, entitled "An act to authorize Lester Barker, Alanson House, and their associates, to build a mill-dam across Fox river," reported the same back without amendment and recommended its passage.

*Ordered* to a third reading.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to provide for paying the debts of counties and creating a fund for the payment of jurors," reported the same back, and recommended its rejection.

Mr. Johnston moved that the further consideration of said bill be definitely postponed; which was decided in the affirmative.

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act concerning the records of Gallatin county," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river at Peru," reported the same back without amendment and recommended its passage.

*Ordered* to a third reading.

Mr. Stadden, from the same committee, to which was referred the bill, entitled "An act granting James Adams certain ferry privileges, and for other purposes," reported the same back without amendment, and recommended its rejection.

Mr. Stadden moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Mr. Snyder, from the committee on the Judiciary, to which was referred the petition of sundry citizens of Belleville, to repeal all acts incorporating said town, reported a bill, entitled "An act to amend act incorporating the town of Belleville;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule was dispensed with, said bill was read the second time by its title, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Slocumb,

The rule was further dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Snyder, from the same committee, to which was referred the petition of Calvin Gould, praying for relief, reported a bill, entitled "An act for the relief of Calvin Gould;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

Mr. Pearson, from the same committee, to which was referred the bill, entitled "An act authorizing school commissioners to convey land in certain cases," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Warren,

*Resolved*, That hereafter no member of the Senate shall speak more than ten minutes on any one subject during the present session without leave of the Senate.

Mr. Herndon moved the adoption of the following resolution, viz:

*Resolved by the General Assembly*, That the Auditor, Treasurer, and Secretary of State, appointed by "An act, entitled 'An act making appropriations for work done upon the State House, and materials furnished,'" approved January 29, 1841, to examine into all claims against the State on account of the State House, and certify such as shall be found valid, be, and they are hereby authorized and required to allow the certificates issued by the State House Commissioners, without requiring the vouchers upon which such certificates were predicated, unless when it may appear to the Board that fraud has taken place in the obtaining of the same.

Mr. Ralston moved to lay the same on the table; which was decided in the affirmative.

Mr. Snyder moved the adoption of the following resolution, viz:

*Resolved by the Senate*, That the President, Directors, and Stockholders of the State Bank of Illinois, be requested to state upon what terms they are willing to purchase two millions of the stock owned by the State of Illinois in said institution. If disposed to purchase, whether they

would pay in such instalments as would meet the interest, in whole or in part, that the State owes on Bonds sold for canal and internal improvement purposes.

On motion,  
The Senate adjourned.

### WEDNESDAY, FEBRUARY 17, 1841.

Senate met pursuant to adjournment.

Mr. Moore, from the committee on Counties, to which was referred the petition together with a remonstrance of sundry citizens of Fulton county, in relation to the removal of the county seat of said county, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Markley moved to lay the same on the table; which was agreed to.

Mr. Markley asked and obtained leave to withdraw the same from the files of the Senate.

Mr. Moore, from the same committee, to which was referred the petition of sundry citizens of De Kalb and La Salle counties, praying for a new county, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Parrish,

Laid on the table.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled bills of the following titles, viz:

"An act regulating evidence in certain cases;"

"An act supplementary to an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" approved March 4th, 1837; and

"An act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village."

And also, that they have this day laid said bills before the Council of Revision.

On motion of Mr. Harrison,

The order of business was suspended,

Whereupon,

Mr. Harrison presented the petition of Wm. M. Bell, in relation to the apprehension of John Donner, with the accompanying documents, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Churchill, from the committee on the Penitentiary, to which was referred a bill, from the House of Representatives, entitled "An act supplemental to an act defining the duties of Public Printer, and fixing the time and manner of performing the same," reported the same back with an amendment; which was concurred in.

And said bill, as amended,

Ordered to a third reading.

Mr. Gatewood, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act for the relief of the collector of Pope county," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Witt,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Gatewood, from the committee on Canals and Canal Lands, to which was referred a resolution in relation to the services of Justice Post, as Engineer, &c., reported a bill, entitled "An act for the relief of Justice Post;" which was read, and,

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title:

"An act supplemental to an act for the formation of the county of Mason."

In which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of the following bills, as amended by them.

A bill for "An act to amend an act, entitled 'An act relating to the Galatin Salines and the lands belonging to the same,'" approved January 16, 1836;"

"An act changing a part of a State road therein named;"

As amended by them, in which amendments they ask the concurrence of the Senate.

They have amended the title by striking out "therein" and adding "from Monmouth to Illinois city, and legalize the location of a State road from Weathersfield to Farmington."

They have concurred with the Senate in the passage of bills of the following titles:

"An act to amend and explain the election law," approved January 10, 1829; and

"An act to incorporate the Rock River Seminary in Ogle county, Illinois;"

"An act for the resurvey of the lower town of Carlyle, in Clinton county;"

"An act to amend an act, entitled 'An act to authorize Daniel F. Hitt to build a mill-dam;"

"An act for the transcribing certain records in Tazewell county;"

"An act to establish and locate a State road therein named;"

"An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county;"

"An act to authorize the county commissioners of Jefferson county to borrow money;"

"An act to incorporate the Philomathean Society of Mount Carmel, Illinois;"

"An act declaring a certain road in Fulton county a State road;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act in relation to the public square in the original town of Ottawa;"

"An act to amend an act, entitled 'An act confirming grants of property made for the encouragement of Education and for other purposes,' approved February 1, 1831.

"An act to legalize the acts of Samuel C. McClure, as probate justice of the peace in Ogle county;"

"An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts and redemption of land;"

"An act to authorize the county commissioners of Rock Island and Stephenson counties to collect the tax of 1839;"

"An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;"

"An act to vacate a part of the town plat of the town of Meredosia;"

"An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,' approved March 2, 1839; and

A bill for "An act to amend an act concerning judgments and executions." And he withdrew.

Mr. Hacker from the committee on Internal Improvements, to which was referred the bill, entitled "An act in relation to the Central railroad," reported the same back without amendment, and recommended its passage.

Mr. Gibbs moved to amend said bill by striking out the words "five" and insert "two," in lieu thereof, so as to make it read two hundred thousand.

Mr. Killpatrick moved to postpone indefinitely the further consideration of said bill; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harris, Henry, Houston, Hunter, James, Killpatrick, Little, Markley, Monroe, Nunnally, Ralston, Ross, Sargent, Slocumb, Snyder, and Stapp—23.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Moore, Parrish, Pearson, Stadden, Warren, Witt and Wood—16.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act for the relief of the late collector of Fulton county;"

"An act to locate a State road;"

"An act requiring the county commissioners court of Edgar county to establish an additional election precinct in said county;"

"An act to authorize the county commissioners' clerk of Du Page county to keep his office as at present located;"

"An act incorporating the Mississippi Bridge Company;"

A bill for "An act to establish a Turnpike road from Springfield via Beardstown to Quincy, and from Beardstown to Warsaw;"

"An act supplemental to an act, entitled 'An act amending the several acts incorporating the town of Galena,'" approved February 15, 1839;

"An act to incorporate the Illinois Grand Tower Company for the manufacture of Iron, and for other purposes;" and

"An act to incorporate the town of Rock Island in Rock Island county;"

In which they ask the concurrence of the Senate. And he withdrew.

Mr. Hacker from the committee on Internal Improvements to which was referred the bill, entitled "An act supplemental to the act in relation to the Cairo City and Canal Company," reported the same back, and recommended the rejection of said bill.

Mr. Hacker moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Whereupon,

Mr. Hacker asked and obtained leave to withdraw said bill from the files of the Senate.

Mr. Stadden from the committee on Canals and Canal Lands, to which was referred the bill from the House of Representatives, entitled "An act for the benefit of the persons therein named," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

Mr. Harrison, from the select committee, to which was referred the bill from the House of Representatives, entitled "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," reported the same back with an amendment.

Mr. Pearson moved to lay said bill and amendment on the table; which was decided in the affirmative.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

And the question recurring on the question pending at the time of adjournment on yesterday; which was upon the adoption of a resolution in relation to the purchase of State stock by the State Bank of Illinois,

Mr. Hacker moved to amend said resolution by striking out all after the word "Resolved," and insert the following, viz:

"*By the Senate*, That the President and Directors of the State Bank of Illinois be requested to inform this Senate on what terms the Bank will return to the State its amount of stock; also, on what terms said Bank is willing to make a final settlement with the State with a view to a separation of Bank and State, so far as the stock subscribed by the State for internal improvement purposes are concerned;" which was accepted by the mover of the original resolution as a modification.

And the question being taken on the adoption of said resolution, as modified,

It was decided in the affirmative.

Mr. Speaker laid before the Senate a report from the President of the State Bank of Illinois, in relation to the suspension of specie payments; which was read, and,

On motion of Mr. Hamlin,

Laid on the table.

On motion of Mr. Allen,

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses meet in the Hall of the House of Representatives on the 18th inst., at four o'clock P. M., for the purpose of electing a President, Acting Commissioner, and Treasurer of the Board of Canal Commissioners, and States' Attorneys for the judicial districts in this State.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Cullom introduced a bill, entitled "An act to incorporate the town of Tremont;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Cullom,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

Mr. Pearson introduced a bill, entitled "An act prescribing the oath of Canal Commissioners, and for other purposes;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

Mr. Gibbs introduced the bills, entitled

"An act to incorporate the town of Vienna, in Johnson county;" and "An act to incorporate the Royal Centre Library company;" which were severally read, and

*Ordered* to a second reading.

On motion of Mr. Gibbs,

The rule was dispensed with, said bills read the second time by their titles, and referred to the committee on Incorporations.

On motion of Mr. Ralston,

The order of business was suspended,

And the bill, some days since laid on the table, entitled "An act to provide for the settlement of the accounts of the State House Commissioners," was taken up, and,

On motion of Mr. Ralston,

Referred to the committee on Public Accounts and Expenditures.

On motion of Mr. Hamlin,

The order of business was further suspended;

And the bill from the House of Representatives, laid upon the table on yesterday, entitled "An act to establish a ferry across the Illinois river," together with the amendment thereto, were taken up for consideration.



Mr. Hamlin moved that the further consideration of said bill be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Hamlin, Harrison, Little, Markley, Moore, Ross, Sargent, Stadden, and Stapp—9.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Monroe, Parrish, Pearson, Ralston, Richardson, Snyder, Warren, Witt, and Wood—28.

Mr. Hamlin moved to amend the proposed amendment by adding the following as an additional section, viz:

SEC. — In consideration of the privileges herein granted to the said Wm. L. May, his heirs and assigns, shall pay into the county treasury of the counties of Tazewell and Peoria, each, the sum of one hundred and fifty dollars on or before the first day of November, next, and shall in like manner pay into each of the county treasuries of the counties of Tazewell and Peoria, annually thereafter on the first Mondays of November, in each and every year during the existence of this grant, the sum of one hundred dollars to be expended under the direction of the county commissioners of their respective counties in improving the bottom road on the east side of the said outlet between the river and the highland, and a failure of said May, his heirs and assigns, to pay the said money at any time for the space of thirty days, shall operate as a forfeiture of the privileges herein granted;" which was agreed to.

Mr. Hamlin moved to further amend said amendment by adding the following, viz:

"And it shall be the duty of the county commissioners of Tazewell county to cause to be planted by the road side, half a mile from the west bank of said outlet, a durable and permanent post, which post shall operate as a guide to show when double ferriage may be charged; which was agreed to.

Mr. Cullom moved to further amend said amendment by adding the following as an additional section, viz:

"SEC. — All laws authorizing the county commissioners' court of Peoria county to assess and collect a tax on the ferry over the Illinois river, established under the 7th section of the act to extend the corporate powers of the town of Pekin, be, and the same is hereby repealed; which was agreed to.

On motion of Mr. Gatewood,

The vote just taken on said amendment was reconsidered.

And the question again being taken on the adoption of said amendment,

It was decided in the negative.

Whereupon,

On motion of Mr. Cullom,

The vote just taken on the adoption of the first amendment proposed by Mr. Hamlin to the amendment, was reconsidered.

And the question again being taken on the adoption of the amendment,

It was decided in the negative.

And the question then being taken on the adoption of the amendment as amended,

It was decided in the affirmative.

Mr. Hamlin moved further to amend the bill by adding the following, viz:

“The county commissioners’ court of the county of Peoria, shall have the right to levy a tax, upon the ferry herein granted, not exceeding one hundred dollars per annum; which was not agreed to.

And said bill, as amended, was

*Ordered* to a third reading.

Mr. Herndon moved to dispense with the rule, and read the bill a third time by its title; which was not agreed to.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the Public Printer be authorized and required to publish in pamphlet form without delay, 2000 copies of the act passed at this session, entitled “An act concerning public roads,” to be distributed by the Secretary of State to the several counties for distribution to supervisors agreeably to the population, as returned by the late census.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Pearson,

The bill from the House of Representatives, entitled “An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named,” together with the proposed amendment thereto, was taken up.

Mr. Pearson moved to amend the amendment by adding the following as an additional section, viz:

“Sec. — It is hereby further provided that the stockholders of said company shall have the right to purchase the interest of the State as a stockholder in said company by paying the subscription price thereof, and whenever the stockholders desire so to do, the Governor of this State is hereby authorized to sell and transfer the same to said stockholders, if he shall deem such sale for the best interest of the State and not otherwise; which was agreed to.

And the question then being taken on the adoption of the amendment, as amended,

It was decided in the affirmative.

And the bill as amended was passed.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gibbs, Hacker, Hamlin, Harrison, Henry, Houston, Hunter, Killpatrick, Ross, Sargent, Slocumb, Stadden, Warren, and Witt—21.

Those voting in the negative, are,  
Messrs. Gaston, Gatewood, Harris, James, Markley, Monroe, Moore,  
Pearson, Ralston, Stapp, and Wood—11.

Mr. Ralston moved to amend the title of said bill so as to make it read as follows:

“An act to incorporate the Rock River Navigation Company;” which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to said bill and title.

On motion of Mr. Henry,

The order of business was suspended;

And the bill, entitled “An act for the benefit of John W. Evans,” some days since laid on the table, was taken up, and,

On motion of Mr. Henry,

Referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles;

“An act for the sale of certain lots therein named;”

“An act to authorize Philo M. Knapp to enclose certain streets and alleys in Little’s addition to the town of Canton;”

“An act to establish a ferry on the Mississippi river in Pike county;”

“An act to revive an act, entitled ‘An act to amend an act relative to criminal jurisprudence,’ approved January 19, 1829;

“An act to locate a State road therein named;”

“An act incorporating the Insurance Company;”

In which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of the following bills as amended by them.

In which amendments they ask the concurrence of the Senate.

“An act to amend an act to incorporate the city of Springfield,” approved February 3, 1840;

“An act to provide for settlers on lands purchased by the State;”

They have concurred with the Senate in the passage of the following bills:

“An act for the relief of Wm. S. Crawford;”

“An act to prevent collectors from speculating in Auditor’s warrants;”

“An act to facilitate the collection of judgments by executors and administrators;”

“An act to locate a State road from Shelbyville to Mint Point in Coles county;”

“An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county;”

“An act to authorize the election of an additional county commissioner for Henderson county;”

“An act supplemental to an act to amend an act, entitled ‘An act to regulate tavern and groceries.’ And he withdrew.

On motion of Mr. Gatewood,

The order of business was suspended;

And the bill some days since laid on the table, entitled "An act to regulate the Banks in the State of Illinois and increase their capital stock," was taken up for consideration.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of a resolution having for its object the election of a President, Acting Commissioner, and Treasurer of the Canal Board; also, State's Attorneys for the several judicial districts in the State, at four o'clock P. M., on the 18th of February inst.

On motion,

The Senate adjourned.

### THURSDAY, FEBRUARY 18, 1841.

Senate met pursuant to adjournment.

Mr. Allen moved that the order of business be suspended and that the order of the day be now taken up; which was agreed to.

And the question recurring on the question pending at the time of adjournment on yesterday; which was on ordering to be engrossed for a third reading the bill, entitled "An act to regulate the Banks in the State of Illinois and increase their capital stock."

Mr. Gatewood moved to postpone the further consideration of said bill until 7 o'clock this evening; which was agreed to.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that on Wednesday, the 17th instant, they approved bills of the following titles, viz:

"An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company;'"

"An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes;'"

"An act to enable the justices of Juliet to levy a tax and to pay liabilities against said town;"

"An act to authorize the Madison County Ferry Company to construct a road or causeway;"

"An act to amend an act, entitled 'An act for the relief of Charles J. Weed,' approved January 27, 1837;"

"An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county;"

"An act to incorporate the Payson Academy;"

"An act to incorporate the Schuyler City Manufacturing Company;"

"An act to locate permanently the seat of justice of Logan county;"

"An act authorizing the county commissioners of Monroe county to borrow money for certain purposes;"

"An act authorizing administrators to settle estates in particular cases;"

"An act regulating evidence in certain cases;"

"An act supplemental to an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" approved March 4th, 1837; and

"An act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village."

The engrossed bills, entitled

"An act to authorize John L. Hunsacker to keep a ferry across the Mississippi river;"

"An act to incorporate the Fancy Farm College;"

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act to authorize Joseph Chaffin and Christian Casebur to build a mill-dam across the Kaskaskia river;"

"An act to incorporate the Le Roy Manual Labor University;"

"An act to remove obstructions to the Navigation of the Little Wabash river and for other purposes;"

"An act to amend an act, entitled 'An act to create the county of Bureau;"

"An act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"An act further to amend an act to provide for a settlement of accounts between the State Bank and Bank of Illinois;"

"An act for the benefit of the inhabitants of town nine south, range eight east, in Gallatin county;"

"An act for the relief of the sheriff of Greene county;"

"An act authorizing school commissioners to convey land in certain cases;" and

"An act concerning the records of Madison county."

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled bills of the following titles, viz:

"An act to authorize the county commissioners of Rock Island and Stephenson counties to collect the tax of 1839;"

"An act to amend the act entitled "An act confirming grants of property made for the encouragement of education and for other purposes," approved February 1, 1831;

"An act to legalize the acts of Samuel C. McClure as probate justice of the peace of Ogle county;"

"An act to amend an act, entitled an act to authorize Daniel F. Hitt to build a mill-dam;"

"An act for the transcribing certain records in Tazewell county;"

"An act to incorporate the Rockriver Seminary in Ogle county, Illinois;"

"An act to amend and explain the election law," approved Jan. 10, 1829;

"An act declaring a certain road in Fulton county a State road;"

"An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,'" approved March 2, 1839;

"An act supplemental to an act to amend an act, entitled 'An act to regulate taverns and groceries;" and

"An act to incorporate the Philomathean Society of Mount Carmel."

And also, that they have this day laid said bills before the Council of Revision.

The engrossed bill, entitled "An act for the relief of Justice Post," was read the third time.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Gatewood, Gibbs, Hacker, Harris, Harrison, Henry, Hunter, Parrish, Pearson, Ralston, Snyder, Stadden, Warren, and Witt—18.

Those voting in the negative, are,

Messrs. Evans, Fithian, Hamlin, Herndon, Houston, James, Johnston, Killpatrick, Markley, Monroe, Moore, Nunnally, Ross, Sargent, Slocumb, Stapp, and Wood—17.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to extend the boundaries of the county of Carroll," was read the third time, and,

On motion of Mr. Harrison,

Laid on the table.

The engrossed bill, entitled "An act to authorize the Mount Carmel and Alton Railroad Company to construct the Southern Cross Railroad," was read the third time, and,

On motion of Mr. Parrish,

Laid on the table.

The engrossed bill, entitled "An act concerning the Great Western Mail Route," was read the third time.

Mr. Monroe moved that the further consideration of said bill be indefinitely postponed; which was not agreed to.

Mr. Gaston moved to amend the bill by adding the following proviso, viz:

*Provided*, This act shall not be so construed as to allow the citizens of the several counties any advantage over other travellers in case toll gates should be put up, but shall pay the same toll as other travellers; which was agreed to.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Little, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt, and Wood—29.

Those voting in the negative, are,

Messrs. Baker, Gaston, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, and Pearson—9

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the relief of Calvin Gould," was read the third time, and,

On motion of Mr. Gatewood,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act concerning assessors," was read the third time as amended.

Mr. Ralston moved to refer said bill to the committee on the Judiciary; which was not agreed to.

Mr. Ralston moved to amend said bill by adding the following as a proviso, viz:

*Provided*, That when the county commissioners shall be of opinion that one assessor cannot perform the duty in the time prescribed by law they may appoint two, who after having completed their assessments shall meet together, make out their returns and graduate and equalize the value of property in such manner as they shall consider just and equitable to the whole county; which was not agreed to.

Mr. Little moved to refer said bill to the committee on Incorporations; which was decided in the affirmative.

The bills from the House of Representatives, entitled

"An act supplemental to "An act defining the duties of Public Printer and fixing the time and manner of performing the same;" and

"An act in relation to incorporated towns and cities in this State,"

Were severally read the third time, as amended, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river," was read the third time, as amended.

Mr. Hamlin moved to refer said bill to the committee on Incorporations; which was not agreed to,

And said bill, as amended, was passed.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Gaston, Gatewood, Gibbs, Hacker, Harris, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Monroe, Nunnally, Parrish, Pearson, Ralston, Slocumb, Warren, Witt, and Wood—27.

Those voting in the negative, are,

Messrs. Fithian, Hamlin, Little, Markley, Moore, Ross, Sargent, Snyder, and Stadden—9.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills from the House of Representatives, entitled

"An act for the benefit of the persons therein named;"

"An act to authorize Lester Barker, Alanson House, and their associates, to build a mill-dam across Fox river;" and

"An act to prevent any assessment of damages in consequence of the

location of railroads where the land has not been actually used for the construction of such railroads."

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to establish a ferry across the Illinois river, at Peru," was read the third time.

Mr. Pearson moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That this act may be repealed whenever the public good may require the same;" which was not agreed to.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid; and that the Secretary inform the House of Representatives thereof.

Mr. Speaker laid before the Senate a report from Richard F. Barrett, Fund Commissioner, in relation to the payment of interest, &c.; which was read, and,

On motion of Mr. Gatewood,

Referred to the committee on Finance.

On motion of Mr. Snyder,

The order of business was suspended;

Whereupon,

Mr. Snyder, from the committee on the Judiciary, to which was referred the bill, entitled "An act for the relief of Calvin Gould," reported the same back with an amendment; which was concurred in,

And said bill, as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act to exempt certain articles from execution," was read the second time, and

On motion of Mr. Little,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to incorporate the Springfield Insurance Company," was read the second time and,

On motion of Mr. Herndon,

Referred to the committee on Incorporations.

Mr. Speaker laid before the Senate a report from the President of the State Bank of Illinois, made in pursuance of a resolution of the Senat



a relation to the separation of the Bank from the State; which was read, and,

On motion of Mr. Ralston,

Laid on the table.

Mr. Pearson moved to suspend the order of business for the purpose of allowing him to make a report from the committee on the Judiciary; which was not agreed to.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that they have this day approved bills of the following titles, viz:

"An act to incorporate the Rock River Seminary in Ogle county, Illinois;"

"An act to amend an act to authorize Daniel F. Hitt to build a mill-dam;"

"An act to legalize the acts of Samuel C. McClure, as probate justice of the peace in Ogle county;"

"An act for the relief of the sheriff of Schuyler county;"

"An act to amend an act, entitled 'An act to incorporate the Tazewell County Commercial and Fire Insurance Company,'" approved March 2, 1839;

"An act for the transcribing certain records in Tazewell county;"

"An act to authorize the county commissioners of Rock Island and Stephenson counties to collect the tax of 1839;"

"An act supplemental to an act to amend an act, entitled 'An act to regulate tavern and groceries;"

"An act to amend an act, entitled 'An act confirming grants of property made for the encouragement of Education and for other purposes,'" approved February 1, 1831; and

"An act to incorporate the Philomathean Society of Mount Carmel, Illinois;" And he withdrew.

The bill from the House of Representatives, entitled "An act to authorize David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county," was read, and

*Ordered* to a second reading.

On motion of Mr. Harrison,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to provide for the appointment of another commissioner to review certain State roads," which was read, and

*Ordered* to a second reading.

On motion of Mr. Nunnally,

The rule was dispensed with, said bill was read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to establish the county of Okaw," was read, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act to amend the several acts in relation to constables," was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to amend an act to incorporate the city of Chicago," approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes, was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to incorporate the town of Marion," was read, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed to inform the Senate, that the House of Representatives have passed a bill for "An act to provide for leasing the Saline reserve lands in Jackson county, and for granting pre-emption rights to certain persons therein named."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

The bill from the House of Representatives, entitled "An act to incorporate the Illinois Agricultural and Stock Association," was read, and

*Ordered* to a second reading.

On motion of Mr. Henry,

The rule was dispensed with, and said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act concerning the taxes of Greene and Jersey counties," was read, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Witt,

Referred to a select committee.

*Ordered*, That Messrs. Witt, Henry, and Harris, be that committee.

The bill from the House of Representatives, entitled "An act to locate a State road from Decatur to Alton," was read, and

*Ordered* to a second reading.

On motion of Mr. Harris,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to a third reading.

On motion of Mr. Ralston,

The order of business was further suspended;

Whereupon,

Mr. Ralston moved the adoption of the following resolution, viz:

*Resolved*, That a select committee of five be appointed to inquire into the expediency of so amending the charter of the State Bank of Illinois as to enable the State to sell or dispose of, to said Bank, a part, or the whole interest which the State has now in said Bank. The said committee shall be authorized to visit said Bank, inquire into her condition, and confer with the President and Directors thereof on the subject embraced in this resolution, and they shall be authorized to report by bill or otherwise; which was agreed to.

*Ordered*, That Messrs. Ralston, Hacker, Moore, Davidson, and Henry, be that committee.

The bill from the House of Representatives, entitled "An act to locate the county seat of Stark, and to make a certain addition to said county," was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Petitions.

On motion of Mr. Herndon,

The order of business was suspended;

Whereupon,

On the further motion of Mr. Herndon,

The resolution having for its object the settlement of claims for work done upon the State House, was taken up for consideration.

And the question being taken on the adoption of the resolution,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Fithian, Hamlin, Henry, Herndon, Houston, Hunter, Johnston, Killpatrick, Little, Moore, Pearson, Ross, Slocumb, Stadden, Stapp, and Warren—20.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, James, Markley, Monroe, Nunnally, Parrish, Ralston, Richardson, and Wood—13.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county," was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Public Roads.

On motion of Mr. Pearson,

The order of business was dispensed with,

Whereupon,

Mr. Pearson, from the committee on the Judiciary, to which was referred the bill, entitled "An act for the benefit of John W. Evans," reported the same back with an amendment.

Mr. Little moved to amend the amendment by striking out the words "judges of probate" and insert "probate justices of the peace," in lieu thereof; which was agreed to, and said amendment, as amended, was concurred in.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Davidson,

The Senate took a recess for five minutes.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they are now ready to receive the Senate in the Hall of the House of Representatives to proceed to the election of a President, Acting Commissioner, and Treasurer of the Canal Board, in accordance with a joint resolution to that effect.

Whereupon, the Senate, preceded by their Speaker, repaired to the Hall of the House of Representatives, and the two Houses proceeded to the election of a President of the Board of Canal Commissioners, and the joint vote being taken, it stood thus:

For Isaac N. Morris—67.

For William F. Thornton—51.

Those who voted for Isaac N. Morris, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Carpenter, Cavarly, Court-right, Crain, Dodge, Dollins, Dougherty, Dunlap, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—67.

Those who voted for William F. Thornton, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, and Stapp, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson, of the House of Representatives—51.

Isaac N. Morris, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected President of the Board of Canal Commissioners of the Illinois and Michigan canal.

The two Houses then proceeded to vote for an Acting Commissioner of the Board of Canal Commissioners, and the vote being taken, stood thus:

For Jacob Fry—63.

For Gholston Kercheval—51.

Those who voted for Mr. Fry, are,  
Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Nunnally, Ross, Sargent, Stadden, Stapp, Warren, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Sangamon, Brown, of Vermillion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Leary, Lincoln, McDonald, McLean, Menard, Minshall, Munsell, Murphy of Perry, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Turney, Waters, Webb, Wheeler, Woodson, and Mr. Speaker, of the House of Representatives—63.

Those who voted for Mr. Kercheval, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Herndon, Houston, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Green, Hankins, Humphrey, Lester, Logan, McClernand, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, White, Wilson, and Wood, of the House of Representatives—51.

Jacob Fry, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Acting Commissioner of the Board of Canal Commissioners of the Illinois and Michigan canal.

The two Houses then proceeded to vote for Treasurer of the Board of Canal Commissioners, and the vote being taken, stood thus:

For ——— Beaumont—54.

For Revel W. English—18.

Scattering—13.

Those who voted for Mr. Beaumont, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Henry, Hamlin, Harrison, Herndon, James, Killpatrick, Little, Monroe, Moore, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Sangamon, Brown, of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson, of the House of Representatives—54.

Those who voted for Mr. English, are,

Messrs. Allen, Gibbs, Harris, Houston, Markley, Nunnally, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Green, Hicks, Humphrey, Laughlin, Leary, Lester, McClernand, McDonald, McGinnis, Moore, Murphy, of Cook, Murphy, of Perry, Oliver, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Mr. Speaker, of the House of Representatives—48.

Those who voted blank, are,  
Messrs. Hacker, Parrish, Ross, Stapp, and Wood, of the Senate, and  
Messrs. Bentley, Dougherty, Hankins, Logan, Olds, Parsons, White,  
and Wood, of the House of Representatives—13.

No person having received a majority of all the votes given, the two  
Houses again proceeded to vote for Treasurer of the Board of Canal  
Commissioners, and the vote being taken, stood thus:

For William Stadden—48.

For R. W. English—33.

For Gholston Kercheval—32.

Scattering—5.

Those who voted for Mr. Stadden, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harri-  
son, Henry, Killpatrick, Little, Monroe, Nunnally, Ross, and Sargent,  
of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown  
of Vermilion, Canady, Cunningham, Darnielle, Denny, Drummond, Ed-  
wards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson,  
Hull, Lincoln, McLean, Minshall, Munsell, Odam, Parkinson, Phelps,  
Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson, of  
the House of Representatives—48.

Those who voted for Mr. Kercheval, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Herndon, James, Johnston,  
Markley, Moore, Parrish, Snyder, Stapp, Warren, and Wood, of the Se-  
nate; and

Messrs. Bentley, Crain, Dodge, Dougherty, Dunlap, Hankins, Hum-  
phrey, Logan, McGinnis, Marshall, Menard, Murphy of Cook, Olds,  
Ormsbee, Parsons, Scott, Shepley, and White, of the House of Repre-  
sentatives—32.

Those who voted for Mr. English, are,

Messrs. Allen, Harris, Houston, Pearson, Richardson, Slocumb, Stad-  
den, and Witt, of the Senate; and

Messrs. Able, Baldwin, Bissell, Busey, Carpenter, Cavarly, Courtright,  
Dollins, Green, Hicks, Laughlin, Leary, Lester, McClelland, McDonald,  
Moore, Murphy of Perry, Oliver, Ross, Trumbull, Turney, Waters, Whee-  
ler, Wilson, Wood, and Mr. Speaker, of the House of Representatives  
—33.

Those who voted blank, are,

Mr. Ralston, of the Senate, and

Messrs. Bennett, Charles, Cox, and Peck, of the House of Represen-  
tatives—5.

No person having received a majority of all the votes given.

Mr. Dodge moved that the further election of officers be postponed un-  
til Saturday evening at 4 o'clock; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Hacker, Harris, James, Johnston, Moore,  
Nunnally, Parrish, Ralston, Richardson, Ross, Snyder, and Wood, of the  
Senate; and

Messrs. Able, Bentley, Bissell, Carpenter, Cavarly, Courtright, Crain,  
Dodge, Dollins, Green, Hankins, Hicks, Lester, Logan, McClelland, Mc-  
Donald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry,

Olds, Oliver, Parsons, Peck, Scott, Shepley, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker of the House of Representatives—47.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Hamlin, Harrison, Henry, Herndon, Houston, Killpatrick, Little, Markley, Monroe, Pearson, Sargent, Slocumb, Stapp, Warren, and Witt, of the Senate; and

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, and Woodson, of the House of Representatives—71.

Mr. Snyder moved that the election of treasurer be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Harris, Houston, James, Johnston, Moore, Nunnally, Parrish, Ralston, Richardson, Snyder, Witt, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Busey, Carpenter, Cavarly, Crain, Dodge, Dollins, Green, Hankins, Hicks, Humphrey, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Shepley, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—52.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Killpatrick, Little, Markley, Monroe, Pearson, Ross, Sargent, Slocumb, Stapp, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Courtright, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, and Woodson, of the House of Representatives—64.

Whereupon, the two Houses again proceeded to vote for treasurer of the canal board, and the vote being taken, stood thus:

For Gholston Kercheval—43.

For Newton Cloud—33.

For R. W. English—10.

For William Stadden—5.

Scattering—24.

Those voting for Mr. Kercheval, are,

Messrs. Allen, Evans, Gaston, Gibbs, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Ralston, Snyder, Stapp, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Bissell, Busey, Courtright, Crain, Dodge, Dollins, Dunlap, Humphrey, Logan, McGinnis, Marshall, Menard,

Minshall, Moore, Murphy of Cook, Odam, Olds, Parsons, Peck, Phillips, Scott, Shepley, Wheeler, Wood, and Mr. Speaker, of the House of Representatives—43.

Those voting for Mr. Stadden, are,  
Messrs. Davidson, and Harrison, of the Senate; and  
Messrs. Canady, Drummond, and McLean, of the House of Representatives—5.

Those voting for Mr. English, are,  
Mr. Harris, of the Senate; and  
Messrs. Cavarly, Hicks, Leary, McClernand, McDonald, Oliver, Trumbull, Turney, and Wilson, of the House of Representatives—10.

Those voting for Mr. Cloud, are,  
Messrs. Hacker, Henry, Killpatrick, Parrish, Ross, Sargent, Stadden, and Witt, of the Senate; and  
Messrs. Archer, Bailey, Beall, Bradford, Carpenter, Cunningham, Darnielle, Dougherty, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Munsell, Murphy of Perry, Ormsbee, Parkinson, Phelps, Ross, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—33.

Those who voted blank, are,  
Messrs. Baker, Churchill, Cullom, Hamlin, Fithian, Herndon, Little, Monroe, and Slocumb, of the Senate; and

Messrs. Bennett, Brown of Sangamon, Brown of Vermilion, Charles, Cox, Edwards, Emmerson, Francis, Froman, Funk, Hankins, Lester, Reynolds, Thornton, and Threlkeld, of the House of Representatives—24.

No person having received a majority of all the votes given, the two Houses again proceeded to vote for treasurer of the Board of Canal Commissioners, and the vote being taken, stood thus:

For Newton Cloud—60.

For Gholston Kercheval—31.

For John Calhoun—12.

Scattering—6.

Those voting for Mr. Cloud, are,  
Messrs. Churchill, Cullom, Davidson, Fithian, Hacker, Harris, Henry, Killpatrick, Little, Parrish, Ralston, Ross, Sargent, Slocumb, Stadden, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Vermilion, Charles, Cox, Cunningham, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, McLean, Moore, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wilson, and Woodson, of the House of Representatives—60.

Those voting for Mr. Kercheval, are,  
Messrs. Allen, Evans, Gaston, Gibbs, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Snyder Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Bissell, Busey, Courtright, Crain, Dodge, Dollins, Hankins, Humphrey, Logan, McGinnis, Marshall, Menard, Murphy of Cook, Odam, Olds, Oliver, Peck, Scott, Shepley, and Mr. Speaker of the House of Representatives—36.



Those who voted for Mr. Calhoun, are,  
Messrs. Baker, Harrison, Herndon, and Monroe of the Senate; and  
Messrs. Brown of Sangamon, Carpenter, Cavarly, Darnielle, English,  
McDonald, Minshall, and Wheeler, of the House of Representatives—12.

Those who voted blank, are,  
Mr. Hamlin, of the Senate, and  
Messrs. Bennett, Lester, McClernand, Trumbull, and Wood, of the  
House of Representatives—6.

Newton Cloud having received a majority of all the votes given, was  
declared by the Speaker of the House of Representatives duly elected  
treasurer to the Board of Canal Commissioners.

On motion,  
The election of State's Attornies was indefinitely postponed.  
Whereupon, the Senate returned to their chamber.

On motion,  
The Senate adjourned.

### FRIDAY, FEBRUARY 19, 1841.

Senate met pursuant to adjournment,

Mr. Stapp presented the petition of the citizens of Galesburg, asking  
for a change in part of the law incorporating said town, and,

On motion of Mr. Stapp,  
The reading of the same was dispensed with, and referred to the com-  
mittee on Petitions.

Mr. Feaman presented the petition of John A. Langlois and A. J.  
Dickinson, praying the legislature to grant further time to make sale of  
delinquent lands, and,

On motion of Mr. Feaman,  
The reading of the same was dispensed with, and referred to the com-  
mittee on the Judiciary.

Mr. Moore, presented the petition of Rachael Paine, praying for au-  
thority to convey real estate, and,

On motion of Mr. Moore,  
The reading of the same was dispensed with, and referred to the com-  
mittee on the Judiciary.

A message from the House of Representatives, by Mr. Davis, their As-  
sistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform  
the Senate that they have passed bills of the following titles:

"An act in relation to the school fund of the city of Chicago;"

"An act for the relief of Amos Wemott."

In the passage of which they ask the concurrence of the Senate. And  
he withdrew.

Mr. Little, from the committee on the Judiciary, to which was referred  
a bill for "An act to amend an act relative to criminal jurisprudence," re-  
ported the same back to the Senate, and recommended its rejection.

Mr. Little moved the indefinite postponement of the bill.

On motion of Mr. Parrish,

The bill was laid on the table.

Mr. Little, from the committee on Incorporations, to which was referred a bill for "An act to incorporate the Schuyler County Manufacturing and Transportation Company," reported the same back to the Senate with sundry amendments; which were read and concurred in.

And said bill, as amended, was

*Ordered* to be engrossed and read a third time.

Mr. Nunnally, from the committee on Public Roads, to which was referred a bill for "An act to extend the Charleston and Darwin turnpike from Charleston to Springfield," reported the same back to the Senate with sundry amendments.

Mr. Warren moved to amend the amendment of the committee by inserting the following, viz:

"Julian or East Nelson as a point in said bill;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gaston, Harris, Henry, Herndon, Hunter, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Ralston, Ross, Sargent, Slocumb, Snyder, Warren, and Witt—25.

Those voting in the negative, are,

Messrs. Baker, Churchill, Fithian, Gatewood, Gibbs, Hacker, Hamilton, Houston, Killpatrick, and Monroe—10.

On motion of Mr. Monroe,

The bill and proposed amendment were indefinitely postponed.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill from the House of Representatives, entitled "An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county," reported the same back without amendment, and recommended the passage of the bill; which was

*Ordered* to a third reading.

Mr. Little, from the committee on Incorporations, to which was referred a bill for "An act concerning assessors," reported the same back with sundry amendments; which were read and concurred in.

And on the question—"Shall said bill pass, as amended?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Moore, from the committee on Counties, reported a bill for "An act supplementary to an act, entitled 'An act for the formation of Peoria county,'" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county;"

"An act to facilitate the collection of judgments by executors and administrators;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county;"

"An act to prevent collectors from speculating in Auditor's warrants;"

And also that said bills have this day been laid before the Council of Revision.

Mr. Snyder from the committee on the Judiciary, to which was referred the petition of the Reverend James Wallace and other citizens of Randolph and Washington counties, having had the same under consideration, reported adverse to the prayer of the petitioners, and asked to be discharged from the further consideration of the subject, and,

On motion of Mr. Wood,

Said report was laid on the table, and four hundred copies

*Ordered* to be printed for the use of the Senate.

Mr. Harrison, from the committee on Internal Navigation, to which was referred a bill from the House of Representatives for "An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county," reported the same back without amendment, and recommended the passage of the bill; which was

*Ordered* to a third reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston, from the committee on Enrolled bills reported as correctly enrolled bills of the following titles, viz:

"An act concerning judgments and executions," approved January 17, 1825;

"An act to vacate a part of the town plat of the town of Meredosia;"

"An act in relation to the public square in the original town of Ottawa;"

"An act to authorize the election of an additional county commissioner for Henderson county;"

"An act to locate a State road from Shelbyville to Mint Point, in Coles county;"

"An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts and redemption of land;"

"An act to locate and establish a State road therein named;"

"An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;"

"An act for the relief of Wm. S. Crawford;" and

"An act to authorize the county commissioners of Jefferson county to borrow money;"

And also, that they have this day laid said bills before the Council of Revision.

Mr. Hacker from the committee on Internal Improvements, to which was referred a bill for "An act to provide for completing and keeping in operation the Northern Cross railroad, from Springfield to the Illinois river, reported the same back without amendment.

On motion of Mr. Henry,

The blank in the first section of the bill was filled as follows, viz:  
"First of December, 1842."

On motion of Mr. Henry,

The bill was laid on the table.

Mr. Davidson, from the committee on Incorporations, to which was referred a bill for "An act authorizing Henry Hand to keep a ferry across Rock river," reported the same back, and recommended its rejection.

And on the question—"Shall said bill be read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harris, Harrison, Herndon, Hunter, Killpatrick, Monroe, Pearson, Ross, Stadden, Stapp, Warren, and Witt—20.

Those voting in the negative, are,

Messrs. Cullom, Davidson, Gaston, Gibbs, Houston, James, Johnston, Little, Markley, Parrish, Sargent, Slocumb, and Snyder—13.

On motion of Mr. Monroe,

The vote on indefinitely postponing a bill for "An act to extend the location of the Darwin and Charleston turnpike, from Charleston to Springfield," was reconsidered, and,

On motion of Mr. Herndon,

Said bill was laid on the table.

Mr. Gatewood, from the select committee, to which was recommitteed sundry documents in relation to the contract entered into January 8th 1839, by E. G. Nichols with the late Commissioner of the 7th Judicial Circuit, &c. &c., reported thereon; which report was concurred in by the Senate, and,

On motion of Mr. Little,

Said report and accompanying documents were laid on the table.

Mr. Churchill introduced a bill for "An act to incorporate the Illinois and Missouri Bridge Company;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, and said bill read the second time by its title, and referred to the committee on the Judiciary.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles:

"An act to establish a ferry across the Fox and Illinois rivers, at Ottawa;" and

"An act to amend an act for the relief of insolvent debtors."

In which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Parrish,

The bill for "An act to authorize the Mount Carmel and Alton Railroad

Company to construct the Southern Cross railroad," some days since laid on the table, was taken up.

Mr. Gatewood moved to lay the same on the table; which was not agreed to.

Mr. Gatewood moved to amend the bill by adding the following proviso, viz:

"*Provided*, That after the completion of said work by said Company, the State shall have the right to take the same back from the Company at a valuation to be made in the same way by which the State works are to be valued to the company, and to pay interest at six per cent. per annum;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Fithian, Gatewood, Gibbs, Hacker, Harris, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Stadden, and Wood—18.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Feaman, Gaston, Hamlin, Henry, Herndon, Houston, Hunter, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stapp, and Warren—17.

On motion of Mr. Davidson,

The vote just taken on the amendment of Mr. Gatewood, was reconsidered.

And on the question—"Shall the proviso offered by Mr. Gatewood be adopted?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Fithian, Gatewood, Gibbs, Hacker, Harris, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, and Wood—16.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Feaman, Gaston, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stadden, Stapp, and Warren—20.

Mr. Parrish moved to amend the bill by adding the following proviso, viz:

"*Provided further*, That the valuation herein authorized shall be made with reference to the cost of the State on said road;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gatewood, Gibbs, Hacker, Hamlin, Harris, James, Johnston, Markley, Moore, Nunnally, Parrish, and Wood—15.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Gaston, Harrison, Henry, Herndon, Houston, Hunter, Killpatrick, Little, Monroe, Pearson, Ralston, Ross, Sargent, Slocumb, Stadden, Stapp, and Warren—21.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill

for "An act to establish Circuit Courts," as amended by the House of Representatives

In which amendments they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of a resolution authorizing the Board of Auditors to audit and settle the accounts of the State House Commissioners, to allow the certificates issued by said Commissioners without requiring the vouchers upon which such certificates were predicated, &c. &c. And he withdrew.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and a bill for "An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,'" approved January 6th, 1818, was taken from the orders of the day and considered.

And on the question—"Will the Senate concur with the House of Representatives in their amendment to said bill?"

It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, and a bill for "An act to extend the location of the Darwin and Charleston Turnpike from Charleston to Springfield," laid on the table this morning, was taken up for consideration.

And on the question—"Will the Senate concur with amendments of the committee on Public Roads, as amended?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Hunter, James, Nunnally, Parrish, Ralston, and Stadden—9.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Harris, Harrison, Henry, Herndon, Houston, Johnston, Killpatrick, Little, Markley, Monroe, Moore, Ross, Sargent, Slocumb, Stapp, Warren, Witt, and Wood—26.

Mr. Warren moved to amend the bill by adding after the words "Thomas Marshall, of Coles county," add "Wm Todd, of Shelby county, and Wm. B. Archer, of Clark county."

In the seventh line of the first section, between the words "Charleston and Springfield" insert "by Nelson or Juliana;" which was agreed to.

And the bill, as amended,

*Ordered* to a third reading.

And the question recurring on the question pending at the time of adjournment; which was upon the passage of the bill, entitled "An act to authorize the Mount Carmel and Alton Railroad Company to construct the Southern Cross railroad."

Mr. Gatewood moved to amend said bill by adding the following as a proviso, viz:

"*Provided*, That said Company shall pay to the State, interest at the rate of six per cent. per annum, payable semi-annually, on the amount of the valuation of the work hereby disposed of, until the said work or road shall be completed, and then dividends shall be declared in favor of the State to the amount of her certificates of stock, *And provided also*, That said Company shall expend at least twenty thousand dollars annually, to commence from and after the first day of December, eighteen hundred and forty-one."

Mr. Davidson moved to amend the amendment by striking out the first proviso in the proposed amendment.

On motion of Mr. Hamlin,

The bill and proposed amendment were referred to the committee on incorporations.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, and a bill for "An act creating a Board of Auditors to settle the accounts of contractors on public works," some days since referred to the committee of the Whole Senate, was taken up, and,

On motion of Mr. Hacker,

The committee of the Whole Senate was discharged from the further consideration of the subject.

Mr. Hamlin moved to amend the bill by adding the following as an additional section, viz:

"Sec. — The provisions of this act shall extend to the settlement of arrearages due any Engineer or Engineers who may have rendered services to the State under the internal improvement laws of this State; and the said Board of Auditors are authorized and required to adjust the accounts of any such Engineer who may claim arrearages from the State, and to issue certificates of indebtedness, as aforesaid for any such balance found to be due and unpaid.

Mr. Moore moved to refer the bill and proposed amendment to the committee on Finance, with the following instructions, viz:

"With instructions to provide for a Board of Auditors to be appointed by the Governor and Senate;" which was agreed to.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* The Council of Revision have directed me to inform the Senate that they have this day approved bills of the following titles, viz:

"An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act to facilitate the collection of judgments by executors and administrators;"

"An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county;"

"An act to prevent collectors from speculating in Auditor's warrants;"

"An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts and redemption of land;"

"An act to locate and establish a State road therein named;"

"An act concerning judgments and executions," approved January 17 1825;

"An act for the relief of Wm. S. Crawford;"

"An act to authorize the county commissioners of Jefferson county to borrow money;"

"An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;"

"An act to locate a State road from Shelbyville to Mint Point, in Coles county;"

"An act to authorize the election of an additional county commissioner for Henderson county;"

"An act to vacate a part of the town plat of the town of Meredosia;"

"An act to incorporate the Bond county Academy;" and

"An act declaring a certain road in Fulton county a State road;"

The orders of the day having been taken up, and the question recurring on ordering to be engrossed for a third reading the bill, entitled "An act to regulate the Banks in the State of Illinois, and increase their capital stock."

Mr. Gatewood moved to refer said bill to the committee of the Whole Senate, and made the special order of the day for seven o'clock this evening; which was decided in the affirmative.

On motion of Mr. Herndon,

The order of business was suspended;

Whereupon,

Mr. Herndon introduced a bill, entitled "An act relative to the State Bank;" which was read the first time, and

Ordered to a second reading.

On motion of Mr. Herndon,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the same committee to which was referred a bill for "An act to regulate the Banks of Illinois and increase their capital stock."

On motion of Mr. Hamlin,

The order of business was suspended;

And the bill contained in the message of the House of Representatives entitled "An act to establish Circuit Courts," as amended by the House of Representatives, was taken up for consideration.

On motion of Mr. Pearson,

The Senate resolved itself into a committee of the Whole upon said bill and amendment, Mr. Little in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and



Mr. Little reported that the committee of the Whole, had, according to order, had said bill under consideration, had made sundry amendments thereto, and directed him to report the same to the Senate and ask their concurrence therein; which was agreed to.

And the question being taken on concurring with the House of Representatives in their amendment to said bill, as amended,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the benefit of John W. Evans," was read a third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to locate a State road from Decatur to Alton," was read a third time, and,

On motion of Mr. Harris,

Referred to the committee on State Roads.

The bill from the House of Representatives, entitled "An act to establish the county of Okaw," was read a second time, and,

On motion of Mr. Warren,

Referred to a select committee.

*Ordered*, That Messrs. Warren, Moore, and Harris, be that committee.

The bill from the House of Representatives, entitled "An act incorporating the Phoenix Insurance Company," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule of the Senate was dispensed with, and said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act for the relief of Amos Merritt," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to authorize the relocation of the county seat of Clay county," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

The bill from the House of Representatives, entitled "An act for the formation of the county of Richland," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Houston,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

On motion,

The Senate adjourned until 7 o'clock.

SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Little,

The Senate resolved itself into a committee of the Whole, for the purpose of taking into consideration, the bills entitled

"An act to regulate the Banks in the State of Illinois, and increase their capital stock;" and

"An act in relation to the State Bank."

Mr. Moore in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Moore reported that the committee of the Whole Senate had, according to order, had said bills under consideration, made some progress therein and had directed him to report the same to the Senate, and ask leave to sit again; which was not agreed to.

On motion,

The Senate adjourned.

SATURDAY, FEBRUARY 20, 1841.

Senate met pursuant to adjournment.

Mr. Little presented the petition of Adolpheus Allen, in relation to the Samcelce chain of the Mississippi river, and,

On motion of Mr. Little,

The reading of the same was dispensed with, and referred to the committee on Internal Navigation.

Mr. Warren presented a petition for a State road, and,

On motion of Mr. Warren,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Little from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the town of Marion," reported the same back with sundry amendments; which were read and concurred in, and the bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred the bill, entitled "An act to provide for the settle-

ment of the accounts of the State House Commissioners," reported the same back and recommended its passage.

*Ordered* to be engrossed and read a third time.

Mr. Stapp, from the committee on Petitions, to which was referred the petition of the citizens of Galesburg in relation to the incorporation of said town reported a bill, entitled "An act to amend an act, entitled 'An act to incorporate the town of Galesburg, in Knox county;'" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stapp,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little, from the committee on Incorporations, to which was referred the bill entitled "An act to incorporate the town of Tremont," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed and read a third time.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles:

"An act in relation to the Penitentiary;"

"An act to incorporate the Henderson County Road and Ferry Company;"

"An act to amend an act creating the Exeter Manufacturing Company;"

"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to release from taxation religious places of worship;"

"An act relating to the recording and registering conveyances or other instruments in writing executed out of this State and within the United States;"

"An act to enable purchasers of real estate to ascertain whether the same is free from incumbrances and to prevent secret liens of attachment and executions;"

"An act to repeal an act therein mentioned;"

"An act for the relief of the purchasers of land in the 16th sections, town six, and eight north, Range five, and six east of the third principal meridian, in the counties of Effingham and Clay."

They have concurred with the Senate in the passage of a bill for "An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company," as amended by them.

In which amendments they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles:

"An act to incorporate the Nauvoo House Association;"

"An act to incorporate the Greenville Hotel Company;"

"An act to amend an act incorporating the town of Belleville;"

"An act to amend 'An act simplifying proceedings at law for the collection of debts,'" approved February 25, 1833. And he withdrew.

Mr. Little, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Illinois Agricultural and Stock Association," reported the same back with an amendment; which was concurred in.

And said bill, as amended,

*Ordered* to a third reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county," reported the same back, and recommended its rejection.

And on the question—"Shall said bill be read a third time?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled a bill for "An act for the resurvey of the lower town of Carlyle;" and

"An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,'" approved January 6, 1818.

And also, that they have this day laid said bills before the Council of Revision.

Mr. Stapp, from the Committee on Petitions, to which was referred the bill from the House of Representatives, entitled "An act to locate the county seat of Stark, and to make a certain addition to said county," reported the same back with an amendment; which was concurred in.

And said bill, as amended, was

*Ordered* to a third reading.

Mr. Moore, from the committee on Counties, to which was referred the bill from the House of Representatives, entitled "An act for the formation of the county of Richland," reported the same back without amendment, and said bill was

*Ordered* to a third reading.

On motion of Mr. Houston,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles:

"An act to establish a ferry therein named;"

"An act to establish the Kishwaukee Ferry Company;"

"An act to incorporate the Louisville Exporting and Manufacturing Company;"

"An act supplemental to an act providing for the payment of grand and petit jurors;"

"An act to amend an act, entitled 'An act concerning Minors, Orphans and Guardians;"

"An act in relation to the present State House Commissioners;"

"An act to extend the corporate powers of the town of Beardstown;"

"An act to regulate the county commissioners' courts in Champaign and Iroquois counties;"

"An act to locate a State road in Fulton county;" and

"An act to apportion the representation of the several counties in this State."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act for the relief of Amos Mernott," reported the same back, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Witt,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Little,

The vote just taken on ordering to a third reading the bill from the House of Representatives, entitled "An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county," was reconsidered.

And on the question—"Shall said bill be read a third time?"

It was decided in the affirmative.

Mr. Sargent, from the committee on Counties, to which was referred the bill from the House of Representatives, entitled "An act to authorize the relocation of the county seat of Clay county," reported the same back, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to authorize the Mt. Carmel and Alton Railroad Company to construct the Southern Cross railroad," reported the same back with an amendment; which was concurred in.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Gibbs, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, Killpatrick, Little, Monroe, Pearson, Ross, Sargent, Slocumb, Stadden, Warren, and Witt—24.

Those voting in the negative, are,

Messrs. Allen, Evans, Hacker, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Stapp, and Wood—12.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ralston, from the committee on the Judiciary, to which was referred the report of J. Lamborn, reported a bill, entitled "An act further defining the duties of Attorney General and for other purposes;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act authorizing the proprietors of Metropolis City, in the county of Johnson, to alter the plat thereof," reported the same back, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Gibbs,

The rule was dispensed with, said bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Warren moved the adoption of the following resolution, viz:

*Resolved*. That the Judges of the Supreme Court in the performance of their circuit duty, be requested to retain all clerks of their respective courts, unless there shall be a want of qualification on the part of the present incumbent.

Mr. Moore moved to lay the same on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Feaman, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Ross, Sargent, Slocumb, Stadden, Stapp, Witt, and Wood—27.

Those voting in the negative, are,

Messrs. Baker, Cullom, Fithian, Gaston, Hamlin, Harrison, Henry, Killpatrick, Little, and Warren—10.

On motion of Mr. Markley,

*Resolved*, That the committee on Incorporations be instructed to inquire into the expediency of passing a law that no company or corporation shall hereafter be chartered unless the private property of the stockholders shall be holden for all debts and liabilities incurred by said company or corporation, and that they be required to report by bill.

Mr. Witt introduced a bill, entitled "An act in relation to evidence in certain cases;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

Mr. Little introduced a bill, entitled "An act to place the State Bank of Illinois upon the same footing of the Bank of Illinois;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title.

Mr. Little moved to refer the same to the same select committee to which was referred a communication from the Bank in relation to the purchase of the State stock by the Bank.

Mr. Stapp moved to refer said bill to the committee of the Whole, and made the order of the day for this evening at seven o'clock; which was not agreed to.

And the question then being taken on referring to the select committee as proposed by Mr. Little,

It was decided in the affirmative.

Mr. Davidson introduced a bill, entitled "An act creating a justice's and constable's district in White county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence herein.

On motion of Mr. Stadden,

The order of business was suspended;

And the bill, some days since laid on the table, entitled "An act for the relief of purchasers of canal lots," was taken up for consideration.

Mr. Baker moved to refer said bill to a select committee; which was agreed to.

*Ordered*, That Messrs. Baker, Harrison, and Hacker, be that committee.

Mr. Baker, from the select committee to which was referred the bill, entitled "An act for the relief of purchasers of canal lots," reported the same back with an amendment.

Mr. Gatewood moved to amend the proposed amendment of the committee by inserting after the enacting clause the following as a substitute, viz:

SEC. 1. That all persons who have heretofore purchased any of the property belonging to the canal, any of the canal lands or any of the lots in any town, sold by authority of the State, and who have made advances to the State by way of payment for the same, and who have by any means forfeited the same by not complying with the other stipulations of this contract, shall be entitled to the relief hereinafter granted upon the conditions hereinafter mentioned, that is to say, every person who has paid any

money upon such purchases, shall first ascertain the amount from the proper authority, and next he shall have or procure to be described the particular lot or land upon which payment shall have been made, and shall be allowed the right to select so much of his original purchase, at his option, as the said payment will cover, deducting from the original price stipulated for, thirty-three and one third per centum.

SEC. 2. Said purchaser shall relinquish all claim to the lands or lots which he does not choose to purchase, and in writing make his selection known to the Board of Canal Commissioners, who are hereby authorized and required to make such purchaser a deed for the same.

SEC. 3. If any balance shall be due to the canal fund the same shall be promptly paid at the rate aforesaid, but it shall in no case be allowed that the said Board shall issue scrip of forfeited payments, that may in any event, become currency for the payment of any other lands or lots belonging to the canal at any other valuation, but that the same balance, if any, shall be liquidated by the conveyance of lands or lots originally sold and at their original valuation at the time of purchase with the deduction before mentioned.

SEC. 4. That it may be lawful for any purchaser to relinquish a part of a lot by fourths or halves in proportion to the depreciated value hereafter fixed by this act, but not by any other mode than leaving to the State as much front as rear, and in all cases of the relinquishment of lands other than town lots, the same shall be done in pursuance of the legal subdivisions of the United States' surveys, and not less than forty acres, nor shall the commissioners transfer any lands, not town lots, by any other description than by such legal subdivisions.

SEC. 5. It may be lawful for any purchaser as aforesaid, to place his payment, which has been forfeited, on one piece of land, not a town lot or one or more town lots, on such particular lot or piece of land as he may deem proper, at the original valuation with the deduction as aforesaid; but in no case shall it be allowed to any other lands or lots at any other price or valuation than as before mentioned.

SEC. 6. The Canal Commissioners shall keep a just and full record of all proceedings under this act, and report the same to the next meeting of the general or special session of this Legislature.

SEC. 7. The rights of the purchasers under the provisions of this act may be the subject of transfer in writing, signed by the purchaser or his legal representative, which shall be filed and recorded by the Board; which was agreed to.

And the question then being taken on the adoption of the proposed amendment, as amended,

It was decided in the affirmative.

And said bill, as amended, was

Ordered to be engrossed and read a third time.

On motion of Mr. Henry,

The order of business was suspended;

And the bill, some time since laid on the table, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river," was taken up for consideration.

Mr. Gatewood moved to amend said bill by striking out the 6th and 8th sections.



Mr. Henry called for a division of the question.

And the question being first taken upon striking out the 6th section,  
It was decided in the affirmative.

And the question being taken on striking out the 5th section,  
It was decided in the negative.

Mr. Davidson moved to amend article sixth in said bill by inserting after the word "cost," the words "advanced by said company;" which was agreed to.

On motion,

The Senate adjourned.

### MONDAY, FEBRUARY 22, 1841.

Senate met pursuant to adjournment.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill, entitled "An act supplemental to an act, entitled 'An act for the formation of Piatt county,'" reported the same back, and recommended its rejection.

On motion of Mr. Ralston,

Said bill was laid on the table.

Mr. Pearson, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act to incorporate the city of Chicago," approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes, reported the same back, and recommended its passage.

Ordered to a third reading.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in their amendments to a bill for "An act concerning assessors," as amended by them.

In which amendments to the Senate's amendments they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles:

"An act to incorporate the Farmers' Exporting Company;"

"An act to incorporate the town of Petersburg;"

"An act to incorporate the Springfield Marine and Fire Insurance Company."

They have again passed a bill for "An act to sell the school section in town fourteen north, range eight east, of the third principal meridian, as amended by them to obviate the objections of the Council of Revision.

In the passage of which, as amended, they ask the concurrence of the Senate. And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the Greenville Hotel Company;"

"An act to amend an act incorporating the town of Belleville;"

"An act to amend 'An act simplifying proceedings at law for the collection of debts,'" approved February 25, 1833; and

"An act to incorporate the Nauvoo House Association."

And also, that they have this day laid said bills before the Council of Revision.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to exempt certain articles from execution," reported the same back, and recommended its passage.

Mr. Herndon moved that the consideration of the bill be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Davidson, Hacker, Harrison, Herndon, Monroe, and Stapp—7.

Those voting in the negative, are,

Messrs. Allen, Baker, Evans, Feaman, Fithian, Gaston, Gibbs, Henry, Houston, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Ralston, Ross, Sargent, Stadden, Warren, and Wood—23.

Mr. Monroe moved to amend the bill by striking out the word "sixty," and insert in lieu thereof the words "one hundred and sixty."

Mr. Warren called for a division of the question, so as first to take the vote on striking out.

And on the question being taken upon striking out,

It was decided in the negative.

Mr. Monroe moved to amend the bill by adding the following proviso, viz:

*Provided*, the provisions of this bill shall not apply to contracts heretofore made;" which was not agreed to.

Mr. Little moved the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And said bill was,

*Ordered* to a third reading.

Those voting in the affirmative, are,

Messrs. Allen, Cullom, Evans, Feaman, Fithian, Gaston, Gibbs, Henry, Houston, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Ralston, Sargent, Stadder, Stapp, Warren, and Wood—23.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Hacker, Harrison, Herndon, Monroe, and Slocumb—8.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Mr. Herndon moved to amend the title of the bill by adding the following, viz:

"And to change the law in relation to landlord and tenant;" which was agreed to.

On motion of Mr. Johnston,

The vote just taken on amending the title of the bill was reconsidered.

The question was then taken on the amendment proposed by Mr. Herndon, and rejected.

*Ordered*, That the title be as aforesaid, and that the Secretary in-

form the House of Representatives thereof, and ask their concurrence herein.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that on Saturday, the 20th instant, they approved bills of the following titles, viz:

"An act for the resurvey of the lower town of Carlyle, in Clinton county;"

"An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,' approved January 6, 1818; and

"An act to amend and explain the election law," approved January 10, 1829. And he withdrew.

A message from the Governor, by Mr. Ames:

*Mr. Speaker:* I am directed by the Governor, to lay before the Senate communication in writing. And he withdrew.

Mr. Nunnally, from the committee on Public Roads, to which was referred a bill, entitled "An act to locate a State road from Decatur to Alton," reported the same back and recommended the rejection of the bill.

On motion of Mr. Moore,

The bill was indefinitely postponed.

Mr. Little, from the committee on Incorporations to which was referred bill, entitled "An act to incorporate the town of Vienna, in Johnson county," reported the same back with an amendment; which was read and concurred in.

*Ordered* to be engrossed and read a third time.

Mr. Little, from the same committee, to which was referred a bill from the House of Representatives, entitled "An act incorporating the Phoenix Insurance Company," reported the same back, with sundry amendments; which were read and concurred in.

And the bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and said bill read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little, from the committee on the Judiciary to which was referred bill from the House of Representatives, entitled "An act to amend the several laws in relation to constables," reported the same back, and recommended its passage.

Mr. Allen moved to amend the bill by striking out the first clause of the first section; which was not agreed to.

*Ordered* to a third reading.

On motion of Mr. Little,

The rule was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Davidson from the committee on Incorporations, to which was referred a bill, entitled "An act to incorporate the Royal Centre Library Company," reported the same back, and recommended its passage.

*Ordered* to be engrossed for a third reading.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred a bill for "An act prescribing the oath of Canal Commissioners, and for other purposes," reported the same back with sundry amendments; which were read and concurred in.

And the bill, as amended, was

*Ordered* to be engrossed for a third reading.

Mr. Ralston, from the committee on the Judiciary, to which was referred the petition of forty-two citizens of Frankfort, relating to public property in said town, made an adverse report thereon, and asked to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Parrish asked leave to withdraw the petition and other papers connected with said subject; which was granted.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act to require Clerks of the Circuit Courts to pay all monies received by them to the treasurer and render an account," reported the same back with an amendment; which was concurred in.

And said bill, as amended,

*Ordered* to be engrossed and read a third time.

A message from the Governor, by S. A. Douglass, Secretary of State

*Mr. Speaker:* I am directed by the Governor to lay before the Senate two written communications. And he withdrew.

Mr. Warren, from the select committee, to which was referred the bill from the House of Representatives, entitled "An act to establish the county of Okaw," reported the same back with an amendment; which was concurred in, and said bill,

*Ordered* to a third reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read the third time by its title as amended, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson, from the joint select committee, to which was referred resolution to memorialize Congress to establish a Marine Hospital at Chicago, reported a memorial for a Marine Hospital; which was read and adopted.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston moved the adoption of the following resolution, viz:

*Resolved by the Senate and House of Representatives,* That the joint resolution of the two Houses, fixing on Monday the 1st day of March next at the hour of nine o'clock A. M., as the time for adjournment *sine die* this General Assembly, be, and the same is hereby *rescinded*, and that the General Assembly will adjourn *sine die* at the hour of nine o'clock, A. M. on Monday the 8th day of March next, and that the Speaker of each

house, the members and officers thereof, shall not be allowed any compensation for the last seven days of this session.

Mr. Henry moved to lay the same on the table; which was agreed to.

Mr. Speaker announced that the communications just received from the Governor, were upon executive business, and would be acted upon with closed doors.

Mr. Warren moved that said communications be now acted upon with open doors; which was agreed to.

And the first communication was read as follows:

EXECUTIVE DEPARTMENT,  
Springfield, Feb. 22, 1841.

*To the Senate:*

I nominate Sidney S. Conden, to be notary public for the county of Union.

THO. CARLIN.

Mr. Baker moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

Whereupon, the second communication was read as follows:

EXECUTIVE DEPARTMENT,  
Springfield, February 22, 1841.

*To the Senate:*

I nominate William S. Rentfro, to be notary public for the county of Johnson.

THO. CARLIN.

Mr. Gibbs moved that the Senate do now advise and consent to said nomination; which was agreed to.

And the third communication was read as follows:

EXECUTIVE DEPARTMENT,  
Springfield, February 22, 1841.

*To the Senate:*

I nominate Manion Gore, to be public administrator for the county of Fayette.

THO. CARLIN.

Mr. Allen moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

Mr. Speaker laid before the Senate a report from the Governor, containing a communication from the Secretary of State of the State of Alabama, in relation to the reports of the Supreme Court of that State; which was read, and,

On motion of Mr. Churchill,

Referred to the committee on the Judiciary.

On motion of Mr. Davidson,

*Resolved*, That the committee on the Judiciary be instructed to report a bill containing provisions that the Fund Commissioner be authorized to adjust any unsettled claims the State may have against persons or corporations in the State of New York, or elsewhere, who may have become the

purchasers of the State's Bonds, upon such terms as he may deem equitable and just, for the best interest of the State, subject to the ratification of the Governor.

Mr. Stadden introduced a bill, entitled "An act to establish a ferry across the Illinois river in Grundy county;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the second time by its title and

On motion of Mr. Ross,

Referred to the committee on Incorporations.

Mr. Pearson introduced a bill, entitled "An act to incorporate the Julie Academy;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Incorporations.

Mr. Pearson introduced a bill, entitled "An act to incorporate the Naperville Academy;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second time by its title and referred to the committee on Incorporations.

The Senate having reached the orders of the day, and the question recurring on the question pending at the time of adjournment, on Saturday last, which was upon ordering to a third reading the bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river,"

Mr. Moore moved to lay said bill on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gatewood, Gibbs, Hacker, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Ralston, Warren, and Wood—14.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Fithian, Gaston, Hamlin, Harrison, Henry, Herndon, Houston, James, Killpatrick, Little, Pearson, Ross, Sargent, Slocumb, and Stapp—18.

Mr. Gatewood moved to refer said bill to the committee of the Whole Senate; which was agreed to.

Whereupon,

On motion of Mr. Gatewood,

The Senate resolved itself into a committee of the Whole, for the purpose of taking said bill into consideration, Mr. Ross in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Ross reported that the committee of the Whole Senate had, according to order, had said bill under consideration, and had directed him to report the same back without amendment.

On motion,

The Senate adjourned until 4 o'clock.

FOUR O'CLOCK, P. M.

Senate met pursuant to adjournment.

And the question recurring on the question pending at the time of adjournment; which was upon ordering to be engrossed for a third reading the bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river,"

Mr. Little moved to postpone the consideration of said bill for one hour; which was agreed to.

Mr. Herndon moved to suspend the rule for the purpose of introducing a bill; which was not agreed to.

The engrossed bill, entitled "An act to incorporate the Schuyler County Manufacturing and Transportation Company," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A Senate bill for "An act for the relief of purchasers of canal lots," was read a third time.

Mr. Pearson moved to amend the bill by adding the following proviso: "*Provided*, the purchasers shall be allowed interest on the amount so paid until the time of settlement."

Mr. Ross moved that the bill and proposed amendment, be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Fithian, Gaston, Harris, Herndon, Parrish, and Ross—6.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Henry, Houston, Hunter, James, Killpatrick, Little, Markley, Monroe, Nunnally, Pearson, Ralston, Sargent, Slocumb, Stadden, Stapp, Warren, and Wood—28.

The question was then taken on the amendment proposed by Mr. Pearson.

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Davidson, Fithian, Gaston, Hacker, Hunter, Monroe, Pearson, and Stadden—9.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Gatewood, Gibbs, Hamlin, Harris, Harrison, Henry, Herndon, Houston, James, Killpatrick, Little, Markley, Nunnally, Parrish, Ralston, Ross, Sargent, Slocumb, Stapp, Warren, and Wood—26.

And on the question—"Shall said bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gatewood, Gibbs, Hacker, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Little, Markley, Monroe, Moore

Nunnally, Pearson, Ralston, Sargent, Slocumb, Stadden, Stapp, Warren, and Wood—32.

Those voting in the negative, are,  
Messrs. Gaston, and Ross—2.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills from the House of Representatives, entitled  
“An act authorizing Henry Hand to keep a Ferry across Rock river;”  
“An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county;” and  
“An act authorizing Samuel and David Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county;”

Were severally read the third time, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, for “An act to extend the location of the Darwin and Charleston Turnpike from Charleston to Springfield,” was read a third time, and passed as amended.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled “An act to locate the county seat of Stark, and to make a certain addition to said county,” was read a third time, and passed, as amended.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Churchill,

The order of business was suspended,

And the bill contained in the message from the House of Representatives, entitled “An act concerning assessors,” together with the amendments thereto, were taken up for consideration.

Mr. Little moved to refer said bill and amendments to the committee on Incorporations; which was agreed to.

On motion of Mr. Ross,

The vote just taken on referring said bill was reconsidered.

Whereupon,

Mr. Little withdrew his motion to refer.

And on the question—“Will the Senate concur with the House of Representatives in their amendment to the amendment of the Senate to said bill?”

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill, entitled “An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river,” being again under consideration,

Mr. Gatewood moved to amend the same by striking out all after the enacting clause, and insert the following in lieu thereof, viz:



"SEC. 1. That John Duff and J. Calhoun be permitted to take and prosecute to final completion that portion of the Northern Cross railroad lying between Jacksonville, in Morgan county, and Springfield, in Sangamon county, including the Depot at Springfield, with all necessary works to put the road, between said points, in a complete state for use.

"SEC. 2. That the Governor be authorized to issue, from time to time, State Bonds bearing an interest at the rate of six per cent. per annum, in the same manner and of the same description as other Internal Improvement Bonds heretofore issued, not exceeding, in all, one hundred thousand dollars, and deliver the same to the said Duff and Calhoun, in monthly payments, upon the amount of work actually done by them, or cause to be done on the said Northern Cross railroad between Jacksonville and Springfield.

"SEC. 3. That any Engineer in the employ of the State, on the requisition of the Governor, shall be required by him, once in every month, to examine the progress of said work, exercise a general control in the manner of its prosecution, and report monthly to the Governor, the amount of work done, and the value of said work, estimated with a view to its final cost not exceeding one hundred thousand dollars; and the Governor upon the statements and estimates so made monthly, by any Engineer, shall issue and cause to be delivered to the said Duff and Calhoun, bonds to the amount of the work so done during the month next preceding any estimate. And if from any cause, whatsoever, the examinations and estimates should not be made, and certified to the Governor, within one month from the estimate next preceding, then the whole amount of work done up to the time of estimate, shall be included in said last estimate, and the Governor shall issue Bonds to the amount estimated to be done.

"SEC. 4. The said Duff and Calhoun shall be, and they are hereby required to furnish all the materials and finish the road between the towns of Jacksonville and Springfield, in one year from the passage of this act; *Provided*, there shall be no delay on the part of the State in furnishing the iron rails necessary to complete the same.

"SEC. 5. The Fund Commissioner, or Governor, or such other officer of the State as shall be entrusted by law, with the control of the iron, belonging to the State, shall cause the amount necessary to complete the work under this contract to be delivered at the town of Meredosia, on the Illinois river, and transported from thence by the railroad to such places as may be convenient for use along the line. And the said Duff and Calhoun shall be required to lay the Iron from Jacksonville, progressively to Springfield, so that no expense shall be incurred by the State for transportation of iron in any other way than by the railroad after its delivery at Meredosia, on the Illinois river.

"SEC. 6. And the said Duff and Calhoun, before commencing the afore-said work, shall enter into bond to be approved by the ——— in the sum of twenty thousand dollars, to comply faithfully with all the requisition of this act.

"*Provided also*, That if the said Calhoun and Duff shall not give bond as required by this act, in thirty days from the passage of this act, then in that case the following provisions shall be in force, viz: which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Johnston, Monroe, Moore, Parrish, Pearson, Ralston, Stadden, Warren, and Wood—17.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Little, Markley, Nunnally, Ross, Sargent, Slocumb, and Stapp—20.

Mr. Pearson moved to amend the bill by adding the following as a proviso, viz:

*"Provided, That the said company shall expend twenty thousand dollars per annum from the first of January, 1842, on said road between Springfield and the Illinois river, and that the State may purchase the said road of the Company at any time, by paying the money the Company shall expend and ten per cent. per annum on their amount so expended to complete the same; which was decided in the negative.*

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gatewood, Gibbs, Harris, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston. Warren, and Wood—16.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, Killpatrick, Little, Ross, Sargent, Slocumb, Stadden, and Stapp—21.

Mr. Monroe moved to amend the bill by adding the following as an additional section, viz:

*"SEC. — That so much of the 15th section of an act to incorporate the Lynnvile, Winchester, and Jacksonville Railroad Company, as requires the payment of a tax of one per cent. upon its capital stock actually employed, to the county of Morgan, be, and the same is hereby repealed; and the said Company shall pay to the Treasurer of the State an annual tax of one per cent. upon its capital stock;" which was decided in the affirmative.*

Mr. Gatewood moved to amend the bill as follows, viz:

Amend the third section by adding the following, viz:

*"Which said settlement, herein before provided for, of the cost of the completion of the work, shall be final and conclusive between the State and the Company, as to the amount the State may have to repay to said Company, and no other sums shall ever be added to the same on any account whatever."*

Amend the 11th section by adding the following, viz:

*"Which sum shall be included in the final settlement in this act provided for."*

Add the following as an additional section, viz:

*"SEC. 12. That it shall be lawful for the State if any railroad should be constructed by the State hereafter, the State reserves to itself the right to unite with said road herein granted, and to enter upon and use the way free of cost except in a fair proportion of the necessary repairs of the same."*

Mr. Monroe moved the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Henry, Herndon, Hunter, Killpatrick, Little, Ross, Sargent, and Slocumb—14.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Harrison, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Stadden Stapp, Warren, and Wood—22.

And the question recurring on the adoption of the proposed amendment,

Mr. Herndon called for a division of the question.

And the question being first taken on the adoption of the proposed amendment to the 3d section,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Warren, and Wood—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, Killpatrick, Little, Ross, Sargent, Slocumb, Stadden, and Stapp—17.

And the question then being taken on the adoption of the amendment to the 11th section,

It was decided in the affirmative.

And the question then recurring on the adoption of the proposed amendment as the 12th section,

Mr. Little moved to lay said bill and the proposed amendment on the table; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have refused to order to a second reading a bill for "An act to establish county courts."

They have concurred with the Senate in their amendments to the House amendments to a bill for "An act to establish Circuit Courts."

They have also passed a bill for "An act making appropriations for the years 1841 and 1842."

In which they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate adjourned until 7 o'clock.

SEVEN O'CLOCK, P. M.

The Speaker being absent by indisposition, the Senate was called to order by the Secretary.

Whereupon,

On motion of Mr. Monroe,

Mr. Ross was chosen Speaker, *pro tempore*.

Mr. Monroe moved to reconsider the vote taken upon laying on the table the bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river."

And a quorum not voting, the motion was lost.

On motion,

The Senate adjourned.

TUESDAY, FEBRUARY 23, 1841.

Senate met pursuant to adjournment.

Mr. Stadden presented the petition of sundry citizens of La Salle county, asking a law to be passed in relation to persons of color;" which was read, and,

On motion of Mr. Moore,

Laid on the table.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, to enable him to introduce a bill, entitled "An act to change the times of holding courts in the third Judicial Circuit;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, and said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Herndon,

The rule of the Senate was dispensed with;

Whereupon,

Mr. Herndon, on leave given, introduced a bill, entitled "An act appointing a State House agent;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Herndon,

The rule of the Senate was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Monroe,

Referred to the committee on Public Accounts and Expenditures.

Mr. Nunnally, from the committee on Public Roads, to which was referred a petition, reported a bill, entitled "An act to locate a State road therein named;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Pearson, from the committee on the Judiciary, reported a bill, entitled "An act to give the Fund Commissioner power to adjust debts;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Improvements.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act concerning the Great Western Mail Route," as amended by them.

In which they ask the concurrence of the Senate.

They have passed bills of the following titles:

"A bill for the relief of Nathan Low and others;"

"An act authorizing the Governor to order special elections for Congress in the event of an extra session before the first Monday in August;"

"An act to incorporate the St. Clair Railroad Company;"

"An act for the relief Zephania Holcomb;"

"An act to authorize John Wilson to keep a ferry across the Mississippi river;"

"An act to authorize the construction of a rail road from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock River Railroad Company."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Pearson moved the adoption of the following resolutions, viz:

*Resolved*, That as one of the objects of this Legislature, was to sustain, if possible, the faith and credit of our State, though not responsible for the debts existing against her, we will not adjourn until we have made every effort in our power, as well by compromise as firmness, in the support of measures deemed and admitted to be just, to effect an object so desirable to our constituents.

*Resolved*, That timidity or feebleness of action is no part of the American character, and that to go home without making every exertion in our power to pass a revenue bill, which can only give assurance to the holders of our Bonds of our willingness and ability to pay promptly the liabilities

we have incurred, would be an imputation upon the good sense of our constituents, and be a misrepresentation of their wishes.

*Resolved*, That to carry out the objects set forth, a committee of five be appointed on the part of the Senate, to confer with any committee that may be appointed by the House in devising a revenue bill suitable to the wants and ability of the country.

Mr. Killpatrick moved to amend the resolutions by striking out the two first:

Mr. Monroe moved to lay the resolutions and proposed amendment on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Hunter, James, Killpatrick, Little, Monroe, Moore, Ross, Sargent, Stapp, and Warren—18.

Those voting in the negative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Herndon, Houston, Markley, Nunnally, Parrish, Pearson, Ralston, Slocumb, Stadden, and Wood—18.

And on the question being taken upon striking out,

It was decided in the affirmative.

Mr. Pearson moved to amend the third or last resolution by striking out the words "to carry out the objects set forth."

Mr. Hacker moved to amend by striking out all after the word "Resolved," in the first resolution, and insert the following, viz:

"That a committee of three on the part of the Senate, be appointed to confer with any committee the other Branch of this Legislature may choose to appoint, for the purpose of conferring on the subject of revenue."

Mr. Davidson moved that the resolution and proposed amendment be laid on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Monroe, Ralston, Ross, Sargent, Slocumb, Warren, and Wood—23.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Markley, Nunnally, Parrish, Pearson, and Stadden—12.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with the Senate in their amendments to a bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," as amended by them.

In which amendments they ask the concurrence of the Senate. And he withdrew.

Mr. Ralston, from the select committee, to which was referred a bill, entitled "An act to place the State Bank of Illinois upon the same footing of the Bank of Illinois," reported the same back, with sundry amendments; which were read, and,

On motion of Mr. Gatewood,

The bill, and proposed amendments of the committee, were referred to the committee of the Whole Senate, and made the special order of the day for to-morrow at two o'clock P. M.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, to enable him to make a report from a standing committee.

Whereupon,

Mr. Gatewood, from the committee on Finance, to which was referred the bill, entitled "An act creating a board of Auditors to settle the accounts of contractors on public works," reported the same back with sundry amendments; which were read.

Mr. Allen moved to amend the amendment of the committee by striking out the word "three" in the third line of the first section, and insert in lieu thereof the word "one;" which was not agreed to.

The question was then taken on concurring with the Finance committee in their amendment to said bill; which was decided in the negative.

Mr. Parrish moved to lay the bill on the table; which was not agreed to.

On motion,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill, entitled "An act regulating the sale of property," as amended by them.

In which amendment they ask the concurrence of the Senate. And he withdrew.

The question recurring on the question pending at the time of adjournment; which was upon ordering to a third reading the bill from the House of Representatives, entitled "An act creating a board of Auditors to settle the accounts of contractors on public works,"

Mr. Hamlin moved to amend said bill by adding the following as an additional section, viz:

"SEC. — It shall be the duty of said Board of Auditors to settle with, and adjust the claims of any Engineer, who may have rendered service to the State under the internal improvement laws, and who have not received compensation for such services. The said claims to be established in such manner as shall be satisfactory to said board, and when any balance shall be found due any engineer, the said Board shall issue their draft for such balance on the Fund Commissioner, as required by the third section of this act; which was decided in the affirmative.

Mr. Stapp moved further to amend the bill by striking out the last section; which was agreed to.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Hacker,

The rule was dispensed with, and said bill read the third time by its title,

And on the question—"Will the Senate concur with the House of Representatives in the passage of said bill, as amended by them?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Churchill, Cullom, Davidson, Feaman, Fithian, Hacker, Hamlin, Herndon, Houston, Little, Markley, Monroe, Moore, Nunnally, Pearson, Slocumb, and Warren—17.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Gibbs, Harris, Henry, Hunter, James, Killpatrick, Parrish, Ralston, Ross, Sargent, Stapp, and Wood—15.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The orders of the day having been reached, and the question recurring on the question pending at the time of adjournment, on Friday evening last, which was upon ordering to a third reading the bills reported from the committee of the whole Senate without amendment, entitled

"An act to regulate the Banks in the State of Illinois and increase their capital stock;" and

"An act in relation to the State Bank."

On motion of Mr. Little,

Said bills were laid on the table.

On motion of Mr. Pearson,

The bill from the House of Representatives, entitled "An act to apportion the representation of the several counties in this State;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule was dispensed with, said bill read the second time by its title, and

Mr. Allen moved to refer the bill to the committee on Elections; which was not agreed to.

Mr. Allen moved to amend the bill in the 27th line after the word "Senator" add the counties of Greene, Scott and Jersey "one representative in addition to the number herein allowed;" in the thirty-third line where the word "two" occurs, strike out "two" and insert "one;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Gatewood, Harris, Henry, Hunter, Monroe, Moore, Nunnally, Ralston, Ross, and Wood—12.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Gibbs, Hacker, Hamlin, Harrison, Herndon, Houston, James, Johnston, Killpatrick, Little, Markley, Parrish, Pearson, Sargent, Slocumb, Stapp, and Warren—23.

Mr. Monroe moved to amend the bill by striking out all that portion which relates to the counties of Coles, Clark, and Edgar, and insert the following, viz:



"The county of Coles two Representatives and one Senator, the county of Clark two Representatives, the county of Edgar two Representatives, and the two together one Senator. The clerks of said courts shall meet at the county seat of Edgar county to compare the returns of election for Senator;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Fithian, Monroe, Ross, and Wood—6.

Those voting in the negative, are,

Messrs. Allen, Cullom, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Herndon, Houston, Hunter, James, Johnston, Killpatrick, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Sargent, Slocumb, Stapp, and Warren—30.

Mr. Wood moved to amend the bill as follows, viz:

Insert after the word "Washington," the words "together two, one to be elected from each county."

Mr. Little moved the previous question.

And on the question—"Shall the main question be now ordered?"

It was decided in the affirmative.

And the bill was then,

*Ordered* to a third reading.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Cullom, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Herndon, Houston, Hunter, Johnston, Killpatrick, Moore, Nunnally, Parrish, Pearson, Slocumb, Stapp, Warren, and Wood—23.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Fithian, Harrison, Henry, James, Little, Markley, Monroe, Ralston, Ross, and Sargent—13.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the Senate communication in writing. And he withdrew.

Mr. Johnston, from the committee on Enrolled bills reported as correctly enrolled bills of the following titles, viz:

"An act to incorporate the town of Petersburg;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;"

"An act to incorporate the Farmers' Exporting Company;"

"An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county;" and

"An act to establish Circuit Courts."

And also, that they have this day laid said bills before the Council of Revision.

The engrossed bill, entitled "An act to incorporate the town of Vienna, in Johnson county," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence herein.

On motion of Mr. Ralston,

The order of business was suspended;

And the bill, some days since laid on the table, entitled "An act supplemental to an act, entitled 'An act for the formation of Piatt county,'" was taken up for consideration.

*Ordered* to be engrossed for a third reading.

On motion of Mr. Moore,

The rule was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Parrish,

The order of business was suspended;

And the bill contained in the message of the House of Representatives, entitled "An act supplemental to an act to incorporate the Mt. Carbon Coal Company to increase the capital of said Company to one million of dollars for the purposes hereinafter mentioned," was taken up for consideration.

Said bill was read the first time by its title, and

*Ordered* to a second reading.

On the further motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

Mr. Monroe moved to reconsider the vote taken upon yesterday, on laying on the table the bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad, from Springfield to the Illinois river," which was agreed to.

And the question being taken upon the adoption of the amendment proposed as the 12th section,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Warren, and Wood—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, and Stapp—18.

Mr. Gatewood moved to further amend the bill by adding the following as a proviso, viz:

"*Provided*, That it shall be the duty of the officers of said company to pay over to the State, all the tolls that may be collected by said Company for the freight or passage on that part of said Northern Cross railroad lying between Jacksonville and Meredosia, which is now completed at the public cost; said tolls shall be paid by the said Company, to the Finance Commissioner to aid the State in the payment of that part of the public debt, to which the proceeds of all the railroads were legitimately appropriated by the 20th section of the "Act to establish and maintain a general system of internal improvements," approved February 29, 1837."

Mr. Henry moved the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, and Stapp—15.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Warren, and Wood—21.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that they have this day approved bills of the following titles, viz:

"An act to incorporate the town of Petersburg;"

"An act to incorporate the Greenville Hotel Company;"

"An act to amend an act incorporating the town of Belleville;"

"An act to incorporate the Farmers' Exporting Company;"

"An act to incorporate the Nauvoo House Association;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;"

"An act in relation to the public square in the original town of Ottawa;"

"An act to amend 'An act simplifying proceedings at law for the collection of debts;' approved February 25, 1833; and

"An act to establish Circuit Courts." And he withdrew.

On motion,

The Senate adjourned until 7 o'clock.

#### SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

And the question recurring on the question pending at the time of adjournment; which was upon the adoption of the proposed amendment to the bill, entitled "An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river,"

Mr. Allen moved to lay said bill and the proposed amendment on the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gatewood, Gibbs, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Warren, and Wood—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, and Stapp—14.

On motion of Mr. Little,

The order of business was suspended;

And the bill contained in the message of the House of Representatives, entitled "An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company."

And on the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

On motion,

The Senate adjourned.

### WEDNESDAY, FEBRUARY 24, 1841.

Senate met pursuant to adjournment.

Mr. Hamlin moved to suspend the order of business, and that the orders of the day be now taken up; which was not agreed to.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill, entitled "An act further defining the duties of Attorney General and for other purposes," reported the same back without amendment, and recommended its passage.

*Ordered* to be engrossed for a third reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little, from the committee on Incorporations, reported a bill, entitled "An act incorporating the Nauvoo Agricultural and Manufacturing Association in the county of Hancock;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Stapp, from the committee on Public Accounts and Expenditures, to which was referred a bill, entitled "An act appointing a State House agent," reported the same back with an amendment; which was concurred in.

And said bill, as amended, was

*Ordered* to be engrossed for a third reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the third time by its title, and passed.

Mr. Stapp moved to amend the title so as to make it read "An act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A Message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to a bill for "An act incorporating the Phoenix Insurance Company."

They have passed bills of the following titles:

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek in the counties of Menard and Mason;"

"An act to incorporate the Coltonville Steam and Hydraulic Manufacturing Company;"

"An act to locate and change a certain State road;" and

"An act to incorporate the Springfield, Jacksonville, and Meredosia Railroad Company;"

In which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles:

"An act to incorporate the Fancy Farm College;"

"An act for the relief of the sheriff of Greene county;"

"An act to authorize Joseph Chaffin and Christian Casebur to build a mill-dam across the Kaskaskia river;"

"An act to amend an act, entitled 'An act to incorporate the town of Galesburg, in Knox county;"

"An act creating a justice's and constable's district in White county;"

"An act to authorize John L. Hunsacker to keep a ferry across the Mississippi river;"

"An act to incorporate the Schuyler County Manufacturing and Transportation Company;" and

"An act for the benefit of John W. Evans."

They have concurred with the Senate in their amendments to a bill, entitled "An act to extend the location of the Darwin and Charleston Turnpike from Charleston to Springfield," as amended by them.

In which amendment to the Senate's amendments they ask the concurrence of the Senate. And he withdrew.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to incorporate the Juliet Academy," reported the same back without amendment.

*Ordered* to be engrossed and read a third time.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Davidson, from the committee on School Lands and Education, to which was referred the bill from the House of Representatives, entitled

"An act to amend an act to incorporate the college therein named," reported the same back, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Davidson from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Springfield Insurance Company," reported the same back with sundry amendments thereto; which were severally read and concurred in.

Mr. Herndon moved to amend said bill by striking out the 13th section; which was not agreed to.

Mr. Herndon moved that the further consideration of said bill be indefinitely postponed; which decided in the affirmative.

*Ordered*, That the the Secretary inform the House of Representatives thereof.

Mr. Moore, from the committee on Counties, to which was referred a bill, entitled "An act to authorize the appointment of assessors in certain cases," reported the same back, and recommended its passage.

*Ordered* to be engrossed for a third reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred a bill entitled "An act for the benefit of the persons therein named," reported the same back with an amendment; which was read, and concurred in.

*Ordered* to be engrossed, as amended, and read a third time.

Mr. Harris, from the committee on the Militia, to which was referred a bill, entitled "An act to re-organize the militia of the State of Illinois," reported the same back, and recommended its rejection.

The Senate refused to order said bill to be engrossed for a third reading.

Mr. Nunnally, from the committee on Public Roads, to which was referred a certain resolution, reported the same back, and asked to be discharged from the further consideration of the subject; which was granted, and,

On motion of Mr. Nunnally,

Said resolution was laid on the table.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to establish a ferry across the Illinois river in Grundy county," reported the same back and recommended its passage.

*Ordered* to be engrossed for a third reading.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill from the House of Representatives, entitled "An act sup-

plemental to an act to incorporate the Mount Carbon Coal Company, and to increase the capital of said Company to one million of dollars, for the purposes hereinafter mentioned," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Witt, from the select committee, to which was referred a bill from the House of Representatives, entitled "An act concerning the taxes of Greene and Jersey counties," reported the same back with an amendment; which was read and concurred in.

And the bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Allen,

The rule of the Senate was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Moore,

*Resolved by the General Assembly*, That no new bills be received by either House after this day, Wednesday 24th instant.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Hamlin,

*Resolved*, That the afternoon sessions of the Senate of each day shall be exclusively set apart for reading and disposing of the orders of the day, until the same shall have been disposed of.

Mr. Killpatrick introduced a bill, entitled "An act to change the names of Wm. Patterson McLane and Jonathan McLane, to that of Clark, and make them the adopted sons of Thomas P. Clark;" which was read, and

*Ordered* to a second reading.

Mr. Pearson introduced a bill, entitled "An act to sell Canal Bonds to contractors;" which was read, and

*Ordered* to a second reading.

Mr. Pearson moved to dispense with the rule and read the bill now a second time; which was not agreed to.

Mr. Pearson introduced a bill, entitled "An act to fund Canal Scrip;" which was read,

And the question being taken on ordering said bill to a third reading, It was decided in the negative.

Mr. Pearson introduced a bill, entitled "An act to fund Scrip;" which was read,

And on the question—"Shall said bill be read a second time?"

It was decided in the negative.

Mr. Gatewood introduced a bill, entitled, "An act supplemental to an act, entitled 'An act to authorize the trustees of Shawneetown to construct Macadamized road;" which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Moore,

Referred to the committee on Public Roads.

A message from the Governor, by S. A. Douglass, Secretary of State.

*Mr. Speaker:* I am directed by the Governor to lay before the Senate two written communications. And he withdrew.

Mr. Moore introduced a bill, entitled "An act in relation to the school lands in town twenty-two north;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

Mr. Speaker laid before the Senate a report from the Governor, containing a copy of a resolution passed by the Legislature of the State of New York, in relation to the public domain; which was read.

Mr. Hacker moved to refer the same to the committee on the Judiciary.

Mr. Stapp moved to lay said report on the table; which was not agreed to.

And the question being then taken on referring said report to the committee on the Judiciary,

It was decided in the affirmative.

Mr. Speaker laid before the Senate a report from the Governor, containing a copy of resolutions passed by the Legislature of the State of Connecticut upon the subject of public lands and the tariff; which was read, and,

On motion of Mr. Johnston,

Referred to the committee on the Judiciary.

Mr. Gatewood introduced a bill, entitled "An act in relation to county surveyors;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the second time by its title, and

*Ordered* to be engrossed and read a third time.

Mr. Parrish introduced a bill, entitled "An act to punish offenders and for other purposes;" which was read, and

*Ordered* to a second reading.

Mr. Gibbs moved to lay the same on the table; which was decided in the affirmative.

Mr. Moore introduced a bill, entitled "An act defining the duties of county collectors;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

On motion of Mr. Allen,

The vote taken on last evening on laying on the table a bill, entitled



"An act to provide for completing and keeping in operation the Northern Cross railroad from Springfield to the Illinois river," was reconsidered.

Those voting in the affirmative, are,  
Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stadden, Stapp, Warren, Witt, and Wood—22.

Those voting in the negative, are,  
Messrs. Evans, Gaston, Gibbs, Hamlin, Harris, Johnston, Markley, Moore, Parrish, Pearson, Ralston, and Snyder—13.

And the question being upon the adoption of the amendment proposed by Mr. Gatewood, as a proviso to the bill,

Mr. Moore moved to lay the bill and proposed amendment on the table until the fourth day of July next; which was decided in the negative.

Those voting in the affirmative, are,  
Messrs. Evans, Feaman, Gatewood, Gibbs, Harris, Houston, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Snyder, Stapp, Warren, and Wood—16.

Those voting in the negative, are,  
Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Gaston, Hacker, Hamlin, Harrison, Henry, Herndon, Hunter, James, Killpatrick, Little, Monroe, Pearson, Ross, Sargent, Slocumb, Stadden, and Witt—23.

The question was then taken on the amendment of Mr. Gatewood; which was decided in the affirmative.

Those voting in the affirmative, are,  
Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Warren, Witt, and Wood—21.

Those voting in the negative, are,  
Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Herndon, James, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, Stadden, and Stapp—18.

On motion of Mr. Davidson,  
The bill, as amended, was laid on the table.

The engrossed bills, entitled

"An act to incorporate the town of Tremont;"

"An act to provide for the settlement of the accounts of the State House Commissioners;" and

"An act to require Clerks of the Circuit Courts to pay all moneys received by them to the Treasurer and render an account,"

Were severally read the third time and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act prescribing the oath of Canal Commissioners, and for other purposes," was read a third time and passed.

On motion of Mr. Stadden,

The title was amended as follows, viz:

"An act defining the duties of the Commissioners of the Illinois and Michigan canal."

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to incorporate the Royal Centre Library Company," was read a third time, and,

On motion of Mr. Little,

The bill was amended as follows, viz:

"SEC. — This act shall continue in force for the term of twenty years and no longer."

And on the question—"Shall the bill pass, as amended?"

It was decided in the negative.

On motion,

The Senate adjourned until two o'clock.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Ralston,

The order of business was suspended;

And the bill contained in the message from the House of Representatives, entitled "An act making appropriations for the years 1841 and 1842," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Public Accounts and Expenditures.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, and a bill, entitled "An act to extend the boundaries of the county of Carroll," some days since laid on the table, was taken up.

On motion of Mr. Harrison,

The bill was amended by adding the following proviso, viz:

"*Provided however*, That the qualified voters residing within the limits hereby proposed to be attached to the county of Carroll, shall, at the next August election, vote for or against being so attached, and if a majority of said voters should vote for the same, then the limits of the county of Carroll shall be as above declared; and if the majority should not so vote then the limits of said county shall be and remain as heretofore."

And on the question—"Shall the bill pass, as amended?"

It was decided in the affirmative.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, and a bill, entitled "An act to extend the location of the Darwin and Charleston Turnpike, from Charleston to Springfield," was taken from the messages of the House of Representatives, and considered.

And on the question—"Will the Senate concur with the House of Representatives in their amendment to the amendment of the Senate to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz:

"An act for the relief of the sheriff of Greene county;"

"An act to incorporate the Schuyler County Manufacturing and Transportation Company;"

"An act to authorize Joseph Chaffin and Christian Casebur to build a mill-dam across the Kaskaskia river;"

"An act to amend an act, entitled 'An act to incorporate the town of Galesburg in Knox county;'"

"An act creating a justice and constable's district in White county;"

"An act for the benefit of John W. Evans;"

"An act to incorporate the Fancy Farm College;" and

"An act to authorize John L. Hunsacker to keep a ferry across the Mississippi river."

And also that said bills have this day been laid before the Council of Revision.

On motion of Mr. Gatewood,

The order of business was suspended;

Whereupon,

Mr. Gatewood introduced a bill, entitled "An act to provide for the completion of that part of the Northern Cross railroad from Meredosia to Springfield, and for other purposes;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Herndon moved to amend said bill by adding the following as an additional section, viz:

"SEC. — The Governor shall order to be sold the house and lot belonging to the State in Springfield; he shall appoint some competent person to attend to the disposing of the same, the person so appointed by the Governor may sell said house and lot for cash or upon a credit of six or twelve months, and the proceeds thereof shall be applied to the finishing of the Northern Cross railroad;" which was agreed to.

Mr. Baker moved to amend the bill by striking out all after the enacting clause and insert the following viz:

"That the Governor be, and he is required to have or pay over to the Fund Commissioner as many of the canal bonds authorized by him to be sold by 'An act, entitled 'An act to provide for a loan for canal purposes,' approved February 23, 1839, as the Canal Fund may be indebted to the Internal Improvement Fund by 'An act, entitled 'An act authorizing a certain loan for canal purposes,' approved January 21, 1839.

"SEC. 2. The Fund Commissioner is hereby authorized to apply one hundred thousand dollars of said bonds towards the completion of the

Northern Cross railroad from Jacksonville to Springfield, and he is authorized and required to enter into contract with a responsible person or persons to complete the same in one year and pay them in said bonds or so many thereof as shall be necessary; and he is hereby authorized to do all acts necessary to carry the intentions of this act into effect, and the excess, if any, shall be applied to the payment of interest upon the internal improvement debt and to no other purpose;" which was decided in the affirmative.

And on the question—"Shall said bill be engrossed, as amended, and read a third time?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Henry, Herndon, Houston, Killpatrick, Monroe, Moore, Parrish, Pearson, Sargent, Stadden, and Warren—20.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Evans, Harris, Hunter, James, Johnston, Little, Markley, Ralston Ross, Slocumb, Snyder, Stapp, Witt, and Wood—16.

On motion of Mr. Allen,

The Senate resolved itself into committee of the Whole, for the purpose of taking into consideration the bill entitled "An act to place the State Bank of Illinois upon the same footing of the Bank of Illinois, Mr. Fithian in the Chair; and after some time spent therein, Mr. Speaker resumed the Chair, and

Mr. Fithian reported that the committee of the Whole Senate, had, according to order, had said bill under consideration, together with the proposed amendment of the select committee thereto, and had made several amendments to the same, and directed him to report the same to the Senate and ask their concurrence therein.

Mr. Gatewood moved to postpone the further consideration of said bill and amendments until to-morrow at 10 o'clock; which was agreed to.

Mr. Speaker laid before the Senate the communication just received from the Governor, and announced that the same was upon Executive business, and would be acted upon with closed doors.

Mr. Warren moved that the same be now acted upon with open doors; which was agreed to;

And the communication was read, as follows, to wit:

EXECUTIVE DEPARTMENT,  
Springfield, Feb. 24, 1841.

*To the Honorable the Senate:*

I nominate Robert Ward, Sr. to be public administrator for the county of Knox; also, James M. Shrieves, to be public administrator for the county of Fulton, in the place of P. Beadles, resigned.

I have the honor to be,

Very respectfully,

Your obedient servant,

THO. CARLIN.

Mr. Stapp moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

On motion of Mr. Gatewood,

The order of business was suspended, and the bill some days since laid on the table, entitled "An act to regulate the Banks in the State of Illinois, and increase their capital stock," was taken up, and,

On motion of Mr. Gatewood,

The further consideration of the same was postponed until 10 o'clock to-morrow.

The bill from the House of Representatives, entitled "An act to amend an act to incorporate the city of Chicago," approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes, was read the third time, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives entitled "An act in relation to the school fund of the city of Chicago," was read the first time, and,

On motion of Mr. Hamlin,

Laid on the table.

The bill from the House of Representatives entitled "An act providing for the election of a Public Binder," was read, and

Ordered to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Elections.

The bill from the House of Representatives, entitled "An act for the formation of the county of Woodford," was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills of the following titles:

"An act to amend an act, entitled 'An act to create the county of Bureau;'"

"An act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"An act authorizing school commissioners to convey land in certain cases;"

"An act to incorporate the Le Roy Manual Labor University."

The bill from the House of Representatives, entitled "An act to establish a ferry therein named," was read the first time, and

Ordered to a second reading, and,

On motion of Mr. James,

The rule was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Churchill,

Referred to the committee on Internal Navigation.

The bill from the House of Representatives, entitled "An act to change the name of certain persons," was read the first time, and

Ordered to a second reading.

On motion of Mr. Sargent,

The rule was dispensed with, said bill read a second time by its title, and

*Ordered* to a third reading.

On motion of Mr. Henry,

The rule was further dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Baker,

The rule was dispensed with, and the engrossed bill entitled "An act to provide for the completion of that part of the Northern Cross Railroad from Meredosia to Springfield," was taken up from the orders of the day, read a third time, and passed.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Feaman, Fithian, Gibbs, Harrison, Henry, Herndon, Houston, Killpatrick, Little, Monroe, Moore, Pearson, Sargent, Slocumb, Stadden, and Warren—19.

Those voting in the negative, are,

Messrs. Cullom, Evans, Gaston, Hamlin, Harris, Hunter, James, Johnston, Markley, Nunnally, Parrish, Ralston, Ross, Snyder, Stapp, and Wood—16.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Salines.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* The Council of Revision have directed me to inform the Senate that they have this day approved bills of the following titles, viz:

"An act creating a justice's and constable's district in White county;"

"An act to amend an act, entitled 'An act to incorporate the town of Galesburg, in Knox county;'"

"An act for the relief of the Sheriff of Greene county;"

"An act to incorporate the Schuyler county Manufacturing and Transportation Company;"

"An act to authorize Joseph Chaffin and Christian Casebur to build mill-dam across the Kaskaskia river;"

"An act for the benefit of John W. Evans;"

"An act to incorporate the Fancy Farm College;"

"An act to authorize John L. Hunsaker to keep a ferry across the Mississippi river."

On motion,

The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act to authorize John Primm, Sr., to build a mill-dam across the Sangamon river," was read; and

*Ordered* to a second reading.

On motion of Mr. Herndon,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Herndon moved to amend said bill, by adding the following as an additional section:

"SEC. —. *And be it further enacted*, That William Carpenter be allowed to build a mill-dam across the Sangamon river, at or near where he now keeps a ferry; and that said dam be built agreeable to the provisions of section —."

Mr. Little moved to refer the same to the committee on Internal Navigation; which was not agreed to.

Mr. Gatewood moved to refer said bill and amendment to the committee on Public Roads; which was decided in the affirmative.

The bill from the House of Representatives, entitled "An act to authorize the Governor to order special elections for Congress, in the event of an extra session before the first Monday of August," was read the first time.

Mr. Pearson moved to lay said bill on the table until the 4th day of July next; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Gibbs, Herndon, Houston, James, Johnston, Little, Markley, Moore, Parrish, Pearson, Ralston, Stadden, Stapp, and Wood—14.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Davidson, Evans, Feaman, Fithian, Gatewood, Hamlin, Harris, Harrison, Henry, Hunter, Killpatrick, Monroe, Ross, Sargent, and Warren—18.

And the question being taken on ordering the bill to a second reading, It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Fithian, Gatewood, Hamlin, Harrison, Henry, Hunter, Killpatrick, Monroe, Sargent, and Warren—15.

Those voting in the negative, are,

Messrs. Evans, Gibbs, Harris, Herndon, Houston, James, Johnston, Little, Markley, Moore, Parrish, Pearson, Ralston, Ross, Sadden, Stapp, and Wood—17.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act to legalize certain proceedings of the inhabitants and trustees of schools for town thirty-five north, range ten east, in Will county;"

"An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river;"

"An act to authorize Philo M. Knapp to enclose certain streets and alleys in Little's addition to the town of Canton," and

"An act to locate a State road therein named;"

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule of the Senate was dispensed with, said bills were severally read a second and third times by their titles, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to revive an act, entitled 'An act to amend an act relative to criminal jurisprudence,'" approved January 19th, 1829, was read the first time, and

*Ordered* to a second reading.

On motion of Mr. James,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Monroe,

Laid on the table.

The bill from the House of Representatives entitled "An act for the sale of certain lots therein named," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hamlin,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill, entitled "An act to incorporate the town of Rock Island, in Rock Island county," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Harrison,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to incorporate the Illinois Grand Tower Company, for the manufacture of iron, and for other purposes," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bills from the House of Representatives, entitled

"An act creating an additional justices precinct in Johnson county;"

"An act in relation to certain mill-dams, on Big Muddy, in Jasper and Clay counties;"

"An act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;"

"An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney;"

Were severally read the first time, and

*Ordered* to a second reading.



On motion,

The rule was dispensed with, and said bills were severally read the second and third times by their titles and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to incorporate the Union Turnpike Company," was read the first time, and

*Ordered* to a second reading.

Mr. Little moved that the further consideration of the bill be indefinitely postponed.

Mr. Baker moved to lay the same on the table; which was decided in the negative.

And the question then being taken on the indefinite postponement of the same,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to repeal an act therein named," was read the first time, and the question being taken on ordering the bill to a second reading,

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to repeal an act therein mentioned," was read, and

*Ordered* to a second reading.

On motion of Mr. Harris,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

A message from the House of Representatives by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That both branches of this General Assembly convene in the Hall of the House of Representatives, on Friday, the 26th of this instant, at 7 o'clock, P. M., for the purpose of electing State's Attornies for the several Judicial Circuits in this State.

In the passage of which they ask the concurrence of the Senate. And he withdrew.

The bills from the House of Representatives, entitled

"An act to authorize Solomon Husalton to build a dam across the Little Wabash river, and for other purposes;"

"An act supplemental to an act for the formation of the county of Mason;"

"An act to locate a State road;" and

"An act for the relief of the collector of Fulton county,"

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills read the second and third times by their titles, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act amending the several acts incorporating the town of Galena,'" approved February 15, 1839, was read, and

*Ordered* to a second reading.

On motion of Mr. Harrison,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Navigation.

On motion,

The Senate adjourned.

### THURSDAY, FEBRUARY 25, 1841.

Senate met pursuant to adjournment.

Mr. Parrish, from the committee on Salines and Saline Lands, to which was referred the bill from the House of Representatives, entitled "An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named," reported the same back, without amendment.

*Ordered* to a third reading.

On motion of Mr. Parrish,

The rule was dispensed with, said bill read the third time by its title, and passed.

Mr. Ralston, from the committee on the Judiciary, to which was referred a resolution in relation to the duties of Fund Commissioner, reported a bill entitled "An act to authorize the Fund Commissioner to compound for and adjust demands in favor of the State;" which was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act for the benefit of the inhabitants of town nine south, range eight east, in Gallatin county."

They have concurred with the Senate in the passage of bills, entitled, "An act concerning the records of Madison county."

"An act to incorporate the trustees of the Winchester male and female Common and Preparatory schools;"

"An act to remove obstructions to the Navigation of the Little Wabash river and for other purposes," as amended by them.

In which amendments they ask the concurrence of the Senate.

They have concurred with the Senate in their amendments to bills for

"An act concerning assessors," and

"An act concerning the taxes of Greene and Jersey counties."

They have refused to concur with them in their amendments to a bill for

"An act to locate the county seat of Stark, and to make certain additions thereto;"

They have passed bills of the following titles:

"An act supplemental to an act to establish circuit courts," approved February 23, 1841;"

"An act to amend an act, entitled 'An act concerning Estrays,' approved February 9, 1838;"

"An act for the formation of the county of Allen;"

"An act to improve the navigation of the Okaw river."

In which they ask the concurrence of the Senate.

They have adopted a memorial to Congress, in conjunction with a memorial from the Territory of Iowa, relating to the improvement of the Rapids of the Mississippi river.

In which they ask the concurrence of the Senate.

Mr. Johnston, from the committee on Enrolled Bills made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled bills of the following titles, viz:

"An act authorizing school commissioners to convey land in certain cases;"

"An act to amend an act, entitled 'An act to create the county of Bureau;"

"An act to authorize James P. Morriss to remove obstructions in Cahokia creek;" and

"An act to incorporate the Le Roy Manual Labor University."

And also, that they have this day laid said bills before the Council of Revision.

Mr. Davidson, from the committee on Incorporations, to which was referred a bill entitled "An act to incorporate the Naperville Academy," reported the same back, and recommended its passage.

Ordered to be engrossed for a third reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ralston, from the committee on the Judiciary, to which was referred a bill entitled "An act to incorporate the Illinois and Missouri Bridge Company," reported the same back.

Ordered to be engrossed for a third reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill was read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Moore, from the committee on Counties, to which was referred a

bill entitled "An act to extend the jurisdiction of justices of the peace, reported the same back, and,

On motion of Mr. Warren,

The consideration of the bill was indefinitely postponed.

Mr. Nunnally, from the committee on Public Roads, to which was referred a bill entitled "An act to authorize John Primm, Sr., to build a mill-dam across the Sangamon river," and an amendment, reported the same back.

Mr. Hamlin moved to amend the amendment as follows, viz:

"*Provided*, That said mill-dam is built above the present ford at said ferry, and in such manner as not to obstruct said ford;" which was agreed to.

And on the question—"Will the Senate adopt the amendment as amended?"

It was decided in the negative.

On motion of Mr. Herndon,

The vote just taken, was re-considered,

And on the question—"Will the Senate concur in the amendment as amended?"

It was decided in the affirmative.

And the bill, as amended, was

*Ordered* to a third reading.

Mr. Nunnally, from the committee on Public Roads, to which was referred a bill entitled "An act supplemental to an act, entitled 'An act to authorize the trustees of Shawneetown to construct a Macadamized road,'" reported the same back, without amendment.

Mr. Killpatrick moved to amend the bill, by adding the following, viz:

"*Provided*, That before the said county commissioners be authorized to enter upon, and take possession of any work done by the State, the same shall be appraised by two persons, one to be chosen by the Governor of the State, and the other by the commissioners' court of Gallatin county; that said court shall give bond, with security to be approved by the Governor, for the payment, in four annual instalments, of the amount which said work shall be appraised at; *And provided further*, When the State shall desire to prosecute said railroad as heretofore commenced, before doing so, it shall refund to the county of Gallatin the amount she may have so received from said county;" which was not agreed to;

And on ordering the bill to be engrossed for a third reading,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harrison, Henry, Herndon, Houston, Hunter, James, Killpatrick, Monroe, Moore, Parrish, Raiston, Ross, Sargent, Slocumb, Stadden, Warren, Witt, and Wood—29.

Those voting in the negative, are,

Messrs. Harris, Johnston, Nunnally, Pearson, Snyder, and Stapp—6.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the third time by its title and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills, entitled,

"An act to place the State Bank of Illinois upon the same footing of the Bank of Illinois," and

"An act to regulate the Banks in the State of Illinois, and to increase their capital stock," being under consideration, was,

On motion of Mr. Hamlin,

Postponed until 2 o'clock, P. M.

On motion of Mr. Hamlin,

The rule was dispensed with, and the bill, entitled "An act supplemental to an act to establish circuit courts," approved February 23, 1841, was taken up, read the first time, and,

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, and said bill read the second and third times by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act to establish a ferry across the Illinois river, in Grundy county," was read the third time, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act for the benefit of the person therein named," was read the third time.

Mr. Stadden moved to amend the same by adding the following as an additional section, viz:

"SEC. — The Commissioners of the Illinois and Michigan Canal are hereby authorized to cause any obstructions to be removed from any of the canal lands, whether such obstructions be by dam or otherwise, if in their opinion, the interest of the State requires the same to be done;" which was agreed to,

And said bill, as amended, passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled "An act in relation to county surveyors," was read the third time,

And on the question—"Shall said bill pass?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Gaston, Houston, James, Little, Nunnally, Snyder, Stadden, Stapp, and Witt—10.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Feaman, Fithian, Gibbs, Hamlin, Harris, Henry, Herndon, Hunter, Killpatrick, Markley, Monroe, Moore, Parrish, Ralston, Ross, Sargent, Slocumb, Warren, and Wood—21.

The bill, entitled "An act to sell Canal Bonds to contractors," was read the second time, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

The bill, entitled "An act to change the names of Wm. Patterson McLane, and Jonathan McLane, to that of Clark, and make them the adopted sons of Thomas P. Clark," was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled "An act to authorize the county commissioners' clerk of Du Page county to keep his office as at present located," was read, and

*Ordered* to a second reading.

On motion of Mr. Pearson,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act for the relief of the purchasers of land in the sixteenth sections, townships six and eight, north of range five and six, east of the third principal meridian in the counties of Effingham and Clay," was read, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act requiring the county commissioners' court of Edgar county to establish an additional election precinct in said county," was read, and

*Ordered* to a second reading.

On motion of Mr. Nunnally,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Monroe moved to amend said bill by adding the following as an additional section, viz:

*Be it further enacted*, That the act, entitled "An act to extend the Charleston and Darwin Turnpike, from Charleston to Springfield," shall be so construed as to require the counties of Christian and Shelby to pay a portion of the expenses of locating said road, in proportion as the distance is that said road passes through those counties, to the whole length of said road from Charleston, in Coles county, to Springfield, in Sangamon county. The amount of said expense to be certified by the commissioners appointed to locate the same, and upon the presentation of such certificate to the county commissioners' courts of Christian and Shelby counties, it shall be the duty of said courts to issue orders to the treasurers of their respective counties, for the payment of the amount so certified, to such persons, and in such amounts as the commissioners appointed to locate said road may certify the same to be due: *Provided, also*, That so much of the act referred to, as provides for the appointment of Elisha Linder, as commissioner, be, and the same is hereby repealed; which was agreed to,

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Nunnally,

The rule was further dispensed with, said bill was read the third time by its title, and passed.

Mr. Monroe moved to amend the title, by adding "and an act to extend the Charleston and Darwin Turnpike from Charleston to Springfield;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to release from taxation religious places of worship," was read the first time, and

*Ordered* to a second reading.

Mr. Gibbs moved that the rule of the Senate be dispensed with, and that said bill be now read a second time by its title; which was not agreed to.

The bill from the House of Representatives, entitled "An act in relation to the Penitentiary," was read the first time.

Mr. Hacker moved that the further consideration of the bill be indefinitely postponed; which was not agreed to.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, Moore, Nunnally, Parrish, Ralston, Warren, and Wood—13.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Fithian, Hamlin, Henry, Herndon, James, Killpatrick, Little, Markley, Monroe, Pearson, Ross, Sargent, Slocumb, Snyder, Stadden, and Witt—20.

Mr. Churchill moved to dispense with the rule of the Senate, and read the bill now a second time by its title; which was not agreed to.

The bill from the House of Representatives entitled "An act to establish a Turnpike road from Springfield via Beardstown to Quincy, and from Beardstown to Warsaw," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Ralston,

Referred to the committee on the Judiciary.

The bill from the House of Representatives entitled "An act to establish a ferry across the Fox and Illinois rivers, at Ottawa," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. James,

The rule was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Stadden,

Referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to amend an act for the relief of insolvent debtors," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. James,

The rule was dispensed with, said bill read the second time by its title.

Mr. Herndon moved to refer the bill to the committee on Counties; which was not agreed to, and,

On motion of Mr. Parrish,

The bill was referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to incorporate the St. Clair Railroad Company," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rule was dispensed with, and said bill read a second time by its title.  
Mr. Little moved to amend the bill by adding as follows, viz:

"SEC. —. This act shall continue in force for the period of twenty years;" which was not agreed to.

On motion of Mr. Snyder,

The rule was dispensed with, said bill read the third time by its title, and passed, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harrison, Henry, Houston, Hunter, James, Johnston, Killpatrick, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Slocumb, Snyder, Studden, Warren, Witt, and Wood—30.

Those voting in the negative, are,

Messrs. Herndon, Little, Markley, Sargent, and Stapp—5.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to incorporate the Louisville Exporting, Importing, and Manufacturing Company;" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, said bill read the second time by its title, and,

On motion of Mr. Allen,

Referred to the committee on Incorporations,

The bill from the House of Representatives, entitled "An act to regulate the county commissioners' courts of Champaign and Iroquois counties," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule was dispensed with, and the bill was now read a second time by its title, and,

On motion of Mr. Fithian,

The bill was laid on the table.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act concerning minors, orphans and guardians,'" was read the first time.

The Senate refused to order said bill to a second reading.

The bill from the House of Representatives, entitled "An act to incorporate the Henderson County Road and Ferry Company," was read the first time, and,

On motion of Mr. Stapp,

Laid on the table.

The bill from the House of Representatives, entitled "An act incorporating the Mississippi Bridge Company," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. James,

The rule was dispensed with, said bill was now read the second time by its title, and,



On the further motion of Mr. James,

Referred to the committee on Incorporations.

The bills from the House of Representatives, entitled

"An act to locate a State road in Fulton county;"

"An act to enable purchasers of real estate to ascertain whether the same is free from incumbrances and to prevent secret liens of attachments and executions;"

"An act relating to the recording and registering conveyances or other instruments in writing executed out of this State and within the United States;"

"An act to amend an act creating the Exeter Manufacturing Company;"

"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to establish the Kishwaukee Ferry Company;"

"An act to extend the corporate powers of the corporation of Beardstown;" and

"An act in relation to the present State House Commissioners;"

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills were severally read the second and third times by their titles, and passed.

*Ordered*, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until 2 o'clock.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The bill, entitled "An act to place the State Bank of Illinois upon the same footing of the Bank of Illinois," being again under consideration.

On motion of Mr. Gatewood,

Said bill was laid on the table.

The bill, entitled "An act to regulate the Banks of the State of Illinois, and increase their capital stock," being under consideration.

On motion of Mr. Allen,

The Senate resolved itself into a committee of the Whole, for the purpose of taking said bill into consideration, Mr. Hacker in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Hacker reported that the committee of the Whole had, according to order, had said bill under consideration, and had amended the same, in which amendment they ask the concurrence of the Senate; which was agreed to.

Mr. Gatewood moved to amend said bill by inserting in the 1st section after the word "of" the words "two millions."

Mr. Baker moved that the further consideration of said bill and amendment be indefinitely postponed.

Mr. Gatewood moved to lay said bill on the table; which was decided in the affirmative.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled, a bill for "An act for the benefit of the inhabitants of town nine south, range eight east, in Gallatin county."

And also, that said bill has this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. McClernand, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a bill for "An act to change the time of holding courts in the third Judicial Circuit." And he withdrew.

The bill from the House of Representatives, entitled "An act for the relief Zephania Holcomb," was read, and

*Ordered* to a second reading.

On motion of Mr. Stadden,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Canals and Canal Lands.

The bill from the House of Representatives, entitled "An act to incorporate the Coltonville Steam and Hydraulic Manufacturing Company;" was read, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to locate and change certain State roads," was read, and

*Ordered* to a second reading.

On motion of Mr. Houston,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on Public Roads.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that they have this day approved bills of the following titles, viz:

"An act authorizing school commissioners to convey land in certain cases;"

"An act to incorporate the Le Roy Manuel Labor University;"

"An act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"An act to amend an act, entitled 'An act to create the county of Bureau.'" And he withdrew.

A message from the House of Representatives, by Mr. Webb, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to provide for the payment of certain debts due from the State to the Banks." And he withdrew.

The bill from the House of Representatives, entitled "An act supple-

mental to an act providing for the payment of grand and petit jurors," was read, and

*Ordered* to a second reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the second time by its title, and referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled

"An act to authorize John Wilson to keep a ferry across the Mississippi river;"

"A bill for the relief of Nathan Low and others;" and

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek in the counties of Menard and Mason;"

Were severally read the first time, and

*Ordered* to a second reading.

On motion,

The rule was dispensed with, said bills severally read the second time.

On motion of Mr. Davidson,

The order of business was suspended;

Whereupon,

Mr. Davidson moved the adoption of the following resolution, viz:

*Resolved by the Senate and House of Representatives*, That the Secretary of State be, and he is hereby required to have printed in pamphlet form ——— hundred copies of a law passed at the present session of the General Assembly, entitled "An act making provisions for organizing and maintaining common schools;" the same to be distributed at the time the laws and Journals of the present session are, that a sufficient number thereof be left with the school commissioner of each county in the State, to enable him to furnish one copy of the same to each school district in his county, and one to each township treasurer.

On motion of Mr. Davidson,

The blank in the resolution was filled with the words "four thousand five hundred."

The question was then taken on the adoption of the resolution; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to incorporate the Springfield, Jacksonville, and Meredosia Railroad Company," was read the first time,

And on the question—"Shall said bill be ordered to a second reading?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Houston, Hunter, James, Little, Monroe, Pearson, Ross, Slocumb, Stadden, Stapp, Warren, Witt, and Wood—22.

Those voting in the negative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Johnston, Markley, Moore, Parrish, Ralston, and Snyder—11.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles:

"An act in relation to the State Bank of Illinois;" and

"An act to provide for the payment of interest on the public debt."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Monroe,

The message just received from the House of Representatives was taken up for consideration, and the bill contained in said message, entitled "An act concerning the State Bank of Illinois," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, and the bill read a second time by its title, and referred to the committee of the Whole Senate and made the special order of the day for to-morrow at 10 o'clock.

The bill from the House of Representatives, entitled "An act to provide for the payment of interest on the public debt," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, and the bill read the second time by its title, and,

On motion of Mr. Monroe,

Referred to the committee of the Whole Senate, and made the special order of the day for to-morrow 10 o'clock, A. M.

The bill from the House of Representatives, entitled "An act to establish a ferry on the Mississippi river in Pike county," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ralston,

The rule of the Senate was dispensed with, and the bill was read the second time by its title, and referred to the committee on Incorporations.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act concerning estrays,'" approved February 9, 1838, was read the first time, and,

On motion of Mr. Hacker,

The further consideration of the bill was indefinitely postponed.

The bill from the House of Representatives, entitled "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock River Railroad Company," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Allen,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Incorporations.

Mr. Gatewood moved to dispense with the rule of the Senate, and take up for consideration a bill, entitled "An act regulating the sale of property;" which was decided in the negative by yeas and nays as follows, viz: it requiring two-thirds of all the members present to dispense with the rule.

Those voting in the affirmative, are,  
Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Henry, Houston, Hunter, Johnston, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Stadden, Warren, Witt, and Wood—23.

Those voting in the negative, are,  
Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hacker, Hamlin, Harris, Harrison, James, Ross, Sargent, Slocumb, and Stapp—14.

The bill from the House of Representatives, entitled "An act for the formation of the county of Allen," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Counties.

The bill from the House of Representatives, entitled "An act to improve the navigation of the Okaw river," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, said bill read the second time by its title, and referred to the committee on Internal Navigation.

On motion of Mr. Hacker,

The order of business was suspended.

And the message from the House of Representatives containing a resolution having for its object the election of prosecuting attorneys for the several judicial circuits in this State, was taken up and concurred in.

*Ordered*, That the Secretary inform the House of Representatives hereof.

The amendments of the House of Representatives to the Senate bill, entitled "An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago swamp," approved February 19, 1839, were read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives hereof.

The amendments of the House of Representatives to a Senate bill, entitled "An act concerning county seats and county lines," were read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives hereof.

The Senate bill, entitled "An act regulating the sale of property," coming up for consideration,

Mr. Stapp moved to amend the amendment of the House of Representatives by adding the following, viz:

"That the provisions of this act shall extend alike to all demands or executions issued in favor of the President and directors and company of the State Bank of Illinois, Bank of Illinois, at Shawneetown, and to the Cairo Bank, at Kaskaskia, or to any other company or corporation under whatever name or style. The plaintiff in execution may be designated in the same manner as provided in the foregoing part of this act, any law to the contrary notwithstanding."

Mr. Stapp moved a call of the Senate, which was ordered, and after some time spent therein,

Mr. Warren moved to dispense with the further proceedings under the call of the Senate; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Harris, Henry, Hunter, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, and Witt—24.

Those voting in the negative, are,

Messrs. Churchill, Cullom, Fithian, Hacker, Hamlin, Harrison, Houston, James, Little, Ross, Sargent, Slocumb, Stapp, and Wood—14.

Mr. Stapp moved that the Senate adjourn until 7 o'clock P. M.; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Churchill, Fithian, Hacker, Hamlin, Harrison, James, Little, Monroe, Ross, Sargent, Slocumb, and Stapp—12.

Those voting in the negative, are,

Messrs. Allen, Cullom, Evans, Feaman, Gaston, Gatewood, Gibbs, Harris, Henry, Houston, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Snyder, Stadden, Warren, Witt, and Wood—24.

Mr. Warren moved the previous question.

And on the question—"Shall the main question be now ordered?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Harris, Hunter, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Stadden, Warren, Witt, and Wood—18.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Gatewood, Hacker, Hamlin, Harrison, Henry, Houston, James, Little, Monroe, Ross, Sargent, Slocumb, and Stapp—18.

On motion of Mr. Gatewood,

The bill and amendments were referred to the committee of the Whole Senate and made the special order of the day for to-morrow, 10 o'clock A. M.

On motion,

The Senate adjourned.

## FRIDAY, FEBRUARY 26, 1841.

Senate met pursuant to adjournment.

Mr. Ralston, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act for the sale of certain lots therein named," reported the same back, and recommended its passage.

Ordered to a third reading.

On motion of Mr. Ralston,

The rule was dispensed with, and said bill read the third time by its title, and passed.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Little, from the committee on the Judiciary, to which was referred a bill from the House of Representatives entitled "An act to establish a turnpike road from Springfield via Beardstown to Quincy, and from Beardstown to Warsaw," reported the same back, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Little,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Parrish, from the committee on Elections to which was referred the bill from the House of Representatives, entitled "An act providing for the election of a Public Binder," reported the same back without amendment and recommended its rejection.

Mr. Warren moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles:

"An act to provide for the levying of taxes for school purposes in Griggsville, Pike county;"

"An act in relation to the duties of clerks of the county commissioners' courts of Bureau, Peoria, and Stark;"

"An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county;"

"An act, to amend 'An act to establish Circuit Courts,'" approved February 23, 1841."

They have concurred with the Senate in the passage of bills of the following titles:

"An act requiring the Secretary of State, and State Treasurer to take charge of the public buildings and for other purposes;"

"An act further defining the duties of Attorney General, and for other purposes;" and

"An act making provision for organizing and maintaining common schools."

They have concurred with the Senate in the passage of the following bills, as amended by them.

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act in relation to Pedlars;"

In which amendments, they ask the concurrence of the Senate.

They have also adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the Fund Commissioner pay the salary of Williamson Gatewood, as Secretary to the office of Fund Commissioner, out of any funds belonging

to the system of internal improvements, and that the amount of said salary be the same as heretofore paid to him.

In the adoption of which, they ask the concurrence of the Senate.

They have refused to concur with the Senate in their amendments to a bill for "An act requiring the county commissioners' court of Edgar county to establish an additional election precinct in said county.

They have appointed a committee of conference on the disagreeing vote of the two Houses on the Senate's amendments to said bill, and ask the Senate to appoint on their part a committee of two.

The committee on the part of the House are Messrs. Archer, White, and Brown, of Sangamon. And he withdrew.

Mr. Harrison, from the committee on Internal Navigation, to which was referred the bill from the House of Representatives, entitled "An act to establish a ferry therein named," reported the same back with an amendment; which was concurred in.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Churchill,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Harrison, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy," reported the same back with an amendment, which was concurred in.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Warren,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz:

"An act to change the times of holding courts in the third Judicial Circuit;" and

"An act to provide for the payment of certain debts due from the State to the Banks."

And also that they have this day laid said bills before the Council of Revision.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker*: I am directed by the Council of Revision to inform the Senate that they have this day approved bills of the following titles viz:

"An act to provide for the completion of that part of the Northern Cross railroad from Springfield to Jacksonville, and for other purposes;"

"An act further defining the duties of the Attorney General, and for other purposes,"



"An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago Swamp," approved February 19, 1839;

"An act to change the times of holding courts in the third Judicial Circuit;"

"An act to provide for the payment of certain debts due from the State to the Banks;"

"An act for the benefit of the inhabitants of town nine south, range eight east, in Gallatin county;" and

"An act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes." And he withdrew.

Mr. Nunnally, from the committee on Public Roads, to which was referred the bill from the House of Representatives, entitled "An act to locate and change a certain State road," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Houston,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Monroe,

The order of business was suspended,

And the bill contained in the message of the House of Representatives, as amended by them, entitled "An act in relation to pedlars," was taken up for consideration.

And the question being taken upon concurring with the House of Representatives in their amendments to said bill,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives hereof.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to provide for the settlement of the accounts of the State House Commissioners," as amended by them.

In which amendments they ask the concurrence of the Senate. And he withdrew.

They have concurred with the Senate in the passage of a bill for "An act to provide for the completion of that part of the Northern Cross Railroad from Springfield to Jacksonville, and for other purposes."

Mr. Ralston, from the committee on Public Accounts and Expenditures, to which was referred a bill, entitled "An act making appropriations for the years 1841 and 1842," reported the same back with sundry amendments; which were read.

Mr. Baker moved to amend the amendment by striking out "Hiram L. Hoffman" and insert the names of "B. S. Clement and Jesse B. Thomas, and,

On motion of Mr. Allen,

The bill and proposed amendments were referred to the committee of

the Whole Senate, and made the special order of the day for to-day at two o'clock P. M.

Mr. Pearson, from the committee on the Judiciary, to which was referred the communication from the Governor, containing a resolution of the Legislature of Alabama, having had the same under consideration, reported the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois, That the Secretary of State transmit a copy of the decisions of the Supreme Court of Illinois to the Executive of Alabama, free of charge;*" which was concurred in by the Senate.

Mr. Moore, from the committee on Counties, to which was referred the bill, entitled "An act to create a new county from the counties of Pope and Johnson," reported the same back, and recommended the rejection of the bill.

On motion of Mr. Moore,

The further consideration of the bill was indefinitely postponed.

Leave was given to Mr. Gibbs to withdraw all the papers connected with the subject.

Mr. Harrison, from the committee on Internal Navigation, to which was referred a bill, entitled "An act to improve the navigation of the Okaw river," reported the same back with an amendment; which was read and concurred in.

*Ordered to a third reading.*

On motion,

The rule was dispensed with, said bill read the third time, and passed.

On motion of Mr. Wood,

The title of the bill was amended by striking out "Okaw," and inserting "Kaskaskia."

*Ordered,* That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to establish a ferry across the Illinois river in Grundy county."

They have passed bills of the following titles, viz:

"An act to incorporate the Rockford and Chicago Railroad Company;"

"An act in relation to the redemption of lands and lots sold for taxes in the city of Chicago."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Pearson, on leave, introduced a bill for "An act to hold courts in the seventh Judicial Circuit;" which was read, and

*Ordered to a second reading.*

On motion of Mr. Pearson,

The rule was dispensed with, said bill was read the second time, and

*Ordered to be engrossed and read a third time.*

The hour of 10 o'clock having arrived,

On motion of Mr. Hamlin,

The Senate resolved itself into committee of the Whole, for the purpose of taking into consideration the bills, entitled

"An act concerning the State Bank of Illinois;"

"An act to provide for the payment of interest on the public debt;" and

"An act regulating the sale of property," Mr. Davidson in the Chair, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Davidson reported that the committee of the Whole Senate had, said bill under consideration, made some progress therein, and directed him to report the same to the Senate, and ask leave to sit again; which was agreed to.

Mr. Johnston, from the committee on Enrolled bills reported as correctly enrolled bills of the following titles, viz:

"An act to amend an act authorizing Henry W. Cleveland to build a bridge across the Winnebago Swamp," approved February 19, 1839;

"An act further defining the duties of Attorney General, and for other purposes;"

"An act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes;"

"An act making provision for organizing and maintaining common schools;"

"An act to provide for the completion of that part of the Northern Cross Railroad, from Springfield to Jacksonville, and for other purposes."

And also, that they have this day laid said bills before the Council of Revision.

On motion,

The Senate adjourned until 2 o'clock.

#### TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Harrison,

The order of business was suspended;

And the bill from the House of Representatives, entitled "An act to incorporate the Rock River Navigation Company," together with the amendment of the House of Representatives to the amendment of the Senate,

And on the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Hamlin,

The order of business was suspended;

And the bill from the House of Representatives, entitled "An act to locate the county seat of Stark, and to make a certain addition to said county," as amended by the Senate, was taken up,

And on the question—"Will the Senate recede from their amendment to said bill?"

It was decided in the negative.

Whereupon,

Mr. Hamlin moved that a committee of conference be appointed upon the disagreeing vote of the two Houses upon said bill; which was agreed to.

*Ordered*, That Messrs. Hamlin, Stapp, and Moore be the committee on

the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Henry,

The order of business was suspended;

And the bill some days since laid on the table, entitled "An act for the redemption of the Wiggin's loan," was taken up for consideration.

Mr. Henry moved to amend the bill by striking out all after the enacting clause, and insert the following, to wit:

"That Jacob Talkington, George Waller, and Henry Treple, of Morgan county be, and they are hereby appointed Commissioners to relocate a part of the State road leading from Hillsboro to Jacksonville, viz: to commence at a suitable point east of Waverly, in the said county of Morgan; thence to and through said town, passing on the south side of the public square; thence to intersect the present road at or near the steam mill east of said town. A report, with a survey and plat, shall be returned to the commissioners' court of said county, to be recorded and filed: the expenses to be paid by the county, upon the order of the commissioners' court; which was decided in the affirmative;

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Henry,

The rule was dispensed with, said bill read the third time by its title, and passed.

Mr. Henry moved to amend the title so as to make it read "An act for a State road therein named; which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Snyder,

The order of business was suspended;

And the bill contained in the message of the House of Representatives, as amended by them, entitled "An act concerning the Great Western Mail Route," was taken up for consideration;

And on the question—"Will the Senate concur with the House of Representatives in their amendments to the bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Pearson,

The order of business was suspended;

And the engrossed bill, entitled "An act to hold courts in the seventh Judicial Circuit," was taken up, read a third time and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A Message from the House of Representatives, by Mr. Turney, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill, entitled "An act to incorporate the Nauvoo Agricultural and Manufacturing Association, in the county of Hancock." And he withdrew.

On-motion of Mr. Little,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration the several bills in relation to the State Bank of Illinois, revenue, and valuation of property, Mr. Davidson in the Chair; and after some time spent therein, Mr. Speaker resumed the Chair, and

Mr. Davidson reported that the committee of the Whole Senate, had, according to order, had said bills under consideration, and having made sundry amendments to the bills, entitled

"An act to regulate the sale of property;" and

"An act concerning the State Bank of Illinois;" have directed me to report the same to the Senate and ask their concurrence therein.

And also report back the bill, entitled "An act to provide for the payment of interest on the public debt," without amendment.

Mr. Hacker called for a division of the question.

And the question being first taken on the amendment proposed by Mr. Stapp, to the bill, entitled "An act regulating the sale of property,"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Feaman, Gatewood, Herndon, Hunter, James, Markley, Pearson, Ross, Slocumb, Snyder, Stapp, Witt, and Wood—13.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Gibbs, Hamlin, Harris, Harrison, Henry, Houston, Johnston, Killpatrick, Little, Monroe, Moore, Nunnally, Ralston, Sargent, Stadden, and Warren—24.

And the question then being taken on concurring with the committee of the Whole in their amendment to the amendment of the House of Representatives,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Hacker, Hamlin, Harrison, Herndon, Houston, James, Little, Monroe, Nunnally, Ralston, Ross, Sargent, Slocumb, Stapp, and Wood—22.

Those voting in the negative, are,

Messrs. Allen, Evans, Gaston, Gibbs, Harris, Henry, Hunter, Johnston, Killpatrick, Markley, Moore, Parrish, Pearson, Snyder, Stadden, Warren, and Witt—17.

And the question then being taken on concurring with the House of Representatives in their amendment to said bill, as amended,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Gatewood, Gibbs, Hamlin, Harris, Harrison, Houston, Hunter, Johnston, Little, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Snyder, Stadden, Warren, and Wood—23.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Fithian, Hacker, Henry, Herndon, James, Killpatrick, Ross, Slocumb, Stapp, and Witt—14.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

And the question then recurring on concurring with the committee of the Whole in their amendment to the bill, entitled "An act concerning the State Bank of Illinois,"

Mr. Ralston moved to amend the amendment by adding the following as a proviso, viz:

"*Provided*, said Bank of Illinois shall not, after the first day of January, 1843, issue any notes or bills under five dollars;" which was not agreed to.

And the question then being taken on concurring with the committee in their amendment to the bill,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, Killpatrick, Little, Parrish, Ralston, Ross, Sargent, Slocumb, Stadden, and Witt—25.

Those voting in the negative, are,

Messrs. Evans, Gaston, Herndon, James, Johnston, Markley, Monroe, Moore, Nunnally, Pearson, Snyder, Stapp, Warren, and Wood—14.

Mr. Snyder moved to amend the bill by adding the following as a proviso, viz:

"*Provided*, That the 31st section of an act, entitled "An act to incorporate the subscribers to the Bank of the State of Illinois," approved February 12, 1845, be and the same is hereby suspended until said Bank resumes specie payment;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gibbs, Hacker, Harris, Harrison, Houston, Hunter, James, Johnston, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, Witt and Wood—33.

Those voting in the negative, are,

Messrs. Gatewood, Hamlin, Henry, Killpatrick, and Monroe—5.

Mr. Herndon moved to amend said bill by adding the following as an additional section, viz:

"SEC. 7. The said Bank shall hereafter pay a bonus of one half per cent. per annum, upon all Bank stock now owned by the State, or hereafter to be owned by the Fund Commissioner;" which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Sargent, Slocumb, Snyder, Stadden, Stapp, Warren, and Witt—31.

Those voting in the negative, are,

Messrs. Davidson, Harrison, Henry, Hunter, Killpatrick, and Little—6.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Davidson,

The rule was dispensed with, said bill was read a third time by its title.

And on the question—"Shall said bill, as amended, pass?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Feaman, Gatewood, Gibbs, Hamlin, Harrison, Henry, Hunter, Killpatrick, Little, Ralston, Ross, Sargent, Slocumb, Stadden, Stapp, Witt, and Wood—21.

Those voting in the negative, are,

Messrs. Davidson, Evans, Fithian, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Snyder, and Warren—18.

Mr. Gatewood moved to amend the title of said bill by adding the words "and Bank of Illinois;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The question then recurring on ordering to a third reading the bill, entitled "An act to provide for the payment of interest on the public debt."

Mr. Hacker moved to refer the same to the committee on Internal Improvements; which was decided in the affirmative.

On motion of Mr. Moore,

The order of business was suspended;

Whereupon,

Mr. Moore, from the committee on Counties, to which was referred the bill from the House of Representatives, entitled "An act for the formation of the county of Woodford," reported the same back with an amendment; which was concurred in.

Mr. Cullom moved further to amend said bill, by adding the following additional section, viz:

"SEC. 12. The clerks of election of Washington and Black Partridge precincts, in the county of Tazewell, shall rule separate columns in their respective poll books, in which to record the votes for and against the division of Tazewell county, and the legal voters residing within the limits proposed by this act to be taken from Tazewell county, shall, on the first Monday in August next, vote for or against the division of said county, and if a majority of all the legal voters, residing within the said boundaries, shall vote against the division, then the provisions of this act shall not take effect;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Hamlin, Harrison, Henry, Killpatrick, Monroe, Ralston, Ross, Sargent, and Slocumb—15.

Those voting in the negative, are,

Messrs. Allen, Feaman, Gaston, Hacker, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Snyder, Stadden, Warren, Witt and Wood—16.

And the bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Moore,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Hacker,

The order of business was suspended;

Whereupon,

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill from the House of Representatives, entitled "An act to provide for the payment of interest on the public debt," reported the same back with an amendment.

Mr. Ralston moved to amend the amendment by adding the following:

"*Provided*, That they shall not be sold below par value;" which was not agreed to.

And the question being then taken on the amendment of the committee,

It was decided in the affirmative.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Davidson,

The rule was further dispensed with, said bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Hamlin,

The order of business was suspended,

And the bill, as amended by the House of Representatives, entitled "An act for the relief of certain securities therein named," was taken up.

And on the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," as amended by the House.

In which amendments they ask the concurrence of the Senate.

The House has passed a bill for "An act to provide for letting the works of Internal Improvement to persons or companies, and for other purposes."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Churchill,

The order of business was suspended,

And the bill, as amended by the House of Representatives, entitled "An act concerning the records of Madison county" was taken up.



And on the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Allen,

The Senate resolved itself into a committee of the Whole, for the purpose of taking into consideration the bill from the House of Representatives, entitled "An act making appropriations for the years 1841 and 1842." Mr. Snyder in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Snyder reported that the committee of the Whole Senate had, according to order, had said bill under consideration, and made some progress therein, and directed me to report the same to the Senate, and ask leave to sit again; which was granted.

A message from the House of Representatives by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to the bill from the House of Representatives, entitled "An act to improve the navigation of the Kaskaskia river."

They have concurred with the Senate in their amendments to the title of said bill.

They have concurred with the Senate, in the passage of a bill, entitled "An act for the relief of purchasers of canal lots," as amended by them.

In which they ask the concurrence of the Senate.

Also, that they have concurred with the Senate in their amendments to the Senate's amendment to the House amendment to the bill for "An act regulating the sale of property." And he withdrew.

On motion,

The Senate adjourned until 7 o'clock.

SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Davidson,

The order of business was suspended;

And the bill, as amended by the House of Representatives, entitled "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes," was taken up.

Mr. Davidson moved to refer said bill to the committee on Internal Navigation; which was decided in the affirmative.

On motion of Mr. Slocumb,

The order of business was suspended;

And the bill, as amended by the House of Representatives, entitled "An act to amend an act, entitled 'An act relating to the Gallatin Salines, and the lands belonging to the same,' approved January 16, A. D. 1836," was taken up.

And on the question—"Will the Senate concur with the House of Representatives in their amendments to said bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they are now ready to receive them in the Hall of the House of Representatives, for the purpose of electing State's Attorneys for the several Judicial Circuits in this State.

Whereupon, the Senate, preceded by their Speaker, repaired to the Hall of the House of Representatives, and thereupon the two Houses proceeded to vote for State's Attorney for the first Judicial Circuit, and the joint vote being taken, stood thus:

For W. R. Archer—16.

For James Rucker—13.

For R. Yates—42.

For ——— Goodrich—13.

For J. S. Greathouse—31.

Those who voted for Mr. Yates, are,

Messrs. Baker, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, and Sargent, of the Senate; and

Messrs. Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, and West, of the House of Representatives—42.

Those who voted for Mr. Greathouse, are,

Messrs. Churchill, Evans, Feaman, Harris, Houston, Hunter, Monroe, Snyder, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Courtright, Dollins, Dunlap, Green, Hicks, Kitchell, Logan, McClernand, McClurken, McGinnis, Marshall, Odum, Olds, Oliver, Turney, Wilson, and Mr. Speaker, of the House of Representatives—31.

Those who voted for William R. Archer, are,

Messrs. Markley, Pearson, and Ralston, of the Senate; and

Messrs. Archer, Beall, Carpenter, Crain, Humphrey, Laughlin, Lester, Murphy of Perry, Parsons, Peck, Shepley, Wheeler, and Wood, of the House of Representatives—16.

Those who voted for James Rucker, are,

Messrs. Gatewood, Gibbs, James, Johnston, Moore, Nunnally, Parrish, and Stadden, of the Senate; and

Messrs. Hankins, Kelly, Ormsbec, Ross, and White, of the House of Representatives—13.

Those who voted for Mr. Goodrich, are,

Messrs. Allen, Hacker, Slocumb, Stapp, and Witt, of the Senate; and Messrs. Cavarly, Dodge, Dougherty, English, Leary, McDonald, Trumbull, and Woodson, of the House of Representatives—13.

No person having received a majority of all the votes given,

Mr. Moore moved that the two Houses now proceed to vote for State's Attorney for the 2d Judicial Circuit; which was not agreed to.

Whereupon, the two Houses proceeded again to vote for State's Attorney for the first Judicial Circuit, and the vote being taken, stood thus:

For Mr. Greathouse—53.

For Mr. Yates—45.

For Mr. Archer—7.

For Mr. Rucker—4.

For Mr. Goodrich—8.

Those who voted for Mr. Greathouse, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Monroe, Moore, Parrish, Pearson, Ralston, Slocumb, Snyder, Staddeu, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Dollins, Dougherty, Dunlap, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, McGinnis, Marshall, Odum, Olds, Oliver, Peck, Scott, Shepley, Trumbull, Turney, Wilson, and Mr. Speaker, of the House of Representatives—53.

Those who voted for Mr. Yates, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, and Sargent, of the Senate; and

Messrs. Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermillion, Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phillips, Ross, Thornton, Threlkeld, Troy, Webb, and West, of the House of Representatives—45.

Those who voted for Mr. Goodrich, are,

Messrs. Allen, Stapp, and Witt, of the Senate; and

Messrs. Cavarly, English, McDonald, Waters, and Woodson, of the House of Representatives—8.

Those who voted for Mr. Archer, are,

Messrs. Archer, Dodge, Lester, Murphy of Perry, Parsons, Wheeler, and Wood, of the House of Representatives—7.

Those who voted for Mr. Rucker, are,

Mr. Nunnally, of the Senate; and

Messrs. Kelly, Ormsbee, and White, of the House of Representatives—4.

No person having received a majority of all the votes given,

Mr. Lincoln moved that the two Houses proceed to the election of State's Attorney for the 2d Judicial Circuit; which was not agreed to.

Whereupon, the two Houses again proceeded to vote for State's Attorney for the first Judicial Circuit, and the vote being taken, stood thus:

For Mr. Greathouse—63.

For Mr. Goodrich—18.

For Mr. Yates—7.

Those who voted for Mr. Greathouse, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish,

Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Darnielle, Dodge, Dollins, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Marshall, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbec, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—63.

Those who voted for Mr. Goodrich, are,

Messrs. Allen, Baker, Churchill, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Stapp, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Vermilion, Cavarly, Cox, Cunningham, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Humphrey, Lincoln, McDonald, McLean, Menard, Munsell, Parkinson, Phillips, Waters, Webb, West, and Woodson, of the House of Representatives—48.

Those who voted for Mr. Yates, are,

Mr. Cullom, of the Senate; and

Messrs. Bennett, Brown, of Sangamon, Canady, Thornton, Threlkeld, and Troy, of the House of Representatives—7.

John S. Greathouse having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the first Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 2d Judicial Circuit, and the vote being taken, stood thus:

For Mr. Underwood—72.

For Mr. Strong—41.

Scattering—3.

Those who voted for Mr. Underwood, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Slocumb, Snyder, Stadden, Stapp, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbec, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—72.

Those who voted for Mr. Strong, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, Logan, McLean, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Waters Webb, and Woodson, of the House of Representatives—41.

Those who voted blank, are,  
Messrs. Menard, Troy, and West, of the House of Representatives—3.

Mr. Underwood having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 2d Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 3d Judicial Circuit, and the vote being taken stood thus:

For Mr. Allen—75.

For Mr. Stickney—34.

Scattering—5.

Those who voted for Mr. Allen, are,  
Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gatewood Gibbs, Hacker, Harris, Henry, Houston, Hunter, James, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ross, Sargent, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Archer, Bailey, Baldwin, Bentley, Buscy, Canady, Cavarly, Courtright, Cox, Crain, Dollins, Dougherty, Dunlap, Edwards, Emerson, English Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Menard, Murphy of Cook, Odam, Olds, Parkinson, Parsons, Peck, Ross, Scott, Shepley, Troy, Turney, Waters, White, Wilson, and Mr. Speaker of the House of Representatives—75.

Those who voted for Mr. Stickney, are,  
Messrs. Davidson, Hamlin, Harrison, Killpatrick, Monroe, Ralston, Slocumb, and Stapp, of the Senate; and

Messrs. Beall, Blackman, Bradford, Cunningham, Darnielle, Dodge, Drummond, Hankins, Hull, Kitchell, Lincoln, Logan, McClelland, McLean, Marshall, Munsell, Murphy of Perry, Oliver, Phillips, Thornton, Trumbull, Webb, West, Wheeler, Woodson, and Wood, of the House of Representatives—4.

Those who voted blank, are,  
Mr. Johnston, of the Senate; and  
Messrs. Brown of Sangamon, Brown of Vermilion, Carpenter, and Threlkeld, of the House of Representatives—5.

Mr. Allen, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the third Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 4th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Shaw—57.

For Mr. Dunbar—55.

Scattering—1.

Those who voted for Mr. Shaw, are,  
Messrs. Allen, Evans, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Ralston, Slocumb, Snyder, Stadden, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Buscy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Murphy of Perry, Olds,

Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—57.

Those who voted for Mr. Dunbar, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Gibbs, Hamlin, Harris, Harrison, Henry, Killpatrick, Little, Monroe, Parrish, Ross, Sargent, Stapp, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Ver., Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, Logan, Menard, Munsell, Odam, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—55.

Mr. McClelland, of the House of Representatives, voted blank.

Mr. Shaw having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 4th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 5th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Elliott—57.

For Mr. Whitney—42.

Scattering—10.

Those voting for Mr. Elliott, are,

Messrs. Allen, Evans, Gatewood, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Bailey, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Edwards, English, Green, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, McClurken, McGinnis, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—57.

Those voting for Mr. Whitney, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Harrison, Henry, Killpatrick, Little, and Sargent, of the Senate; and

Messrs. Archer, Baldwin, Beall, Bentley, Bradford, Brown of Vermilion, Busey, Cunningham, Darnielle, Dougherty, Dunlap, Francis, Gillespie, Henderson, Hicks, Hull, Lincoln, McDonald, McLean, Marshall, Menard, Munsell, Parkinson, Phillips, Threlkeld, Troy, Waters, Webb, West, Wheeler, and Woodson, of the House of Representatives—42.

Those who voted blank, are,

Messrs. Hamlin, and Stapp, of the Senate; and

Messrs. Brown of Sangamon, Cox, Drummond, Froman, Funk, Hardin, Ormsbee, and Thornton, of the House of Representatives—10.

Mr. Elliott having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 5th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 6th Judicial Circuit, and the vote being taken, stood thus:

For Shelton L. Hall—56.

For James L. Loop—22.

For James Rice—23.

Scattering—5.

Those voting for Mr. Hall, are,

Messrs. Allen, Evans, Gibbs, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Slocumb, Snyder Stadden, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Beall, Bentley, Busey, Carpenter, Cavarly, Court-right, Crain, Dollins, Dougherty, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Logan, McClerken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Poss, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Wood, of the House of Representatives—56.

Those voting for Mr. Rice, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Archer, Brown of Vermilion, Cox, Cunningham, Darnielle, Gillespie, Hull, McLean, Munsell, and Parkinson, of the House of Representatives—23.

Those voting for Mr. Loop, are,

Messrs. Gatewood, and Pearson, of the Senate, and

Messrs. Bailey, Bradford, Brown of Sangamon, Dodge, Drummond, Francis, Hardin, Henderson, Leary, Lester, Lincoln, McClernand, Ormsbee, Peck, Thornton, Threlkeld, Waters, Webb, Woodson, and Mr. Speaker, of the House of Representatives—22.

Those who voted blank, are,

Messrs. Blackman, Froman, Funk, Menard, and Troy, of the House of Representatives—5.

Shelton L. Hall having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 6th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 7th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Ryan—64.

For Mr. Allen—38.

Scattering—4.

Those voting for Mr. Ryan, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Cavarly, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, Lincoln, Logan, McDonald, McLean, Menard, Munsell, Murphy of Perry, Parkinson, Phillips, Scott, Shepley, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, and Woodson—64.

Those who voted for Mr. Allen, are,

Messrs. Allen, Evans, Gibbs, Harris, Houston, Hunter, James, John-

ston, Markley, Moore, Parrish, Pearson, Ralston, Snyder, Stadden, and Wood, of the Senate; and

Messrs. Baldwin, Carpenter, Courtright, Crain, Dodge, Dollins, English, Humphrey, Kitchell, McClernand, McClurken, Marshall, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Trumbull, Wheeler, and Mr. Speaker, of the House of Representatives—38.

Those who voted blank, are,

Messrs. Lester, Peck, Wilson, and Wood, of the House of Representatives—4.

Mr. Ryan, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 7th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 9th Judicial Circuit, and the vote being taken, stood thus:

For Seth B. Farwell—66.

For Charles Ballance—28.

Scattering—10.

Those voting for Mr. Farwell, are,

Messrs. Allen, Evans, Gatewood, Gibbs, Harris, Harrison, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Archer, Baldwin, Beall, Bentley, Buscy, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, English, Green, Henderson, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, Marshall, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Mr. Speaker, of the House of Representatives—66.

Those voting for Mr. Ballance, are,

Messrs. Baker, Churchill, Cullom, Davidson, Hamlin, Henry, Killpatrick, Monroc, Ross, and Sargent, of the Senate; and

Messrs. Bailey, Blackman, Bradford, Brown of Vermilion, Cox, Darnielle, Edwards, Gillespie, Hardin, Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phelps, Thornton, and Woodson, of the House of Representatives—28.

Those who voted blank, are,

Messrs. Brown of Sangamon, Drummond, Francis, Froman, Funk, Peck, Threlkeld, Troy, Webb, and Wood, of the House of Representatives—10.

Seth B. Farwell having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 9th Judicial Circuit.

Whereupon, the Senate returned to their chamber; and

On motion,

The Senate adjourned.



SATURDAY, FEBRUARY 27, 1841.

Senate met pursuant to adjournment.

On motion of Mr. Little,

The order of business was suspended; and

On the further motion of Mr. Little,

The bill some days since laid on the table, entitled "An act for the relief of Henry county;" was taken up for consideration.

Mr. Little moved to refer said bill to the committee on Incorporations; which was agreed to.

And on leave given,

Mr. Little, from the committee on Incorporations, to which was referred the bill, entitled "An act for the relief of Henry county," reported the same back with an amendment; which was concurred in.

And said bill, as amended,

*Ordered* to be engrossed and read a third time.

On motion of Mr. Little,

The rule was dispensed with, said bill read the third time by its title, and passed.

Mr. Little moved to amend the title so as to make it read "An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company;" which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Johnston, from the committee on Enrolled Bills reported as correctly enrolled bills of the following titles, viz:

"An act to incorporate the Nauvoo Agricultural and Manufacturing Association in the county of Hancock;" and

"An act regulating the sale of property."

And that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Davis, their Assistant Secretary:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill of the following title: "An act to hold courts in the 7th Judicial Circuit." And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills, report as correctly enrolled bills of the following titles, viz:

"An act for a State road therein named;"

"An act in relation to pedlars;"

"An act concerning county seats and county lines;"

"An act to establish a ferry across the Illinois river, in Grundy county;" and

"An act concerning the Great Western Mail Route."

And also, that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Calhoun, their Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill for "An act to repeal all acts authorizing the prosecution of the internal improvement system."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Speaker laid before the Senate a report from the Governor, containing the proceedings of a meeting of the contractors of the Illinois and Michigan canal; which was read, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

Mr. Speaker laid before the Senate a communication of the Governor, and announced that the same was upon Executive business, and would be acted upon with closed doors.

Mr. Allen moved that the same be now acted upon with open doors; which was agreed to.

On motion of Mr. Little,

Said communication was laid on the table.

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill from the Senate, entitled "An act to require clerks of the Circuit Courts to pay all moneys received by them to the Treasurer and render an account," as amended by them.

They amend the bill by adding an additional section.

Also, they amend the title by adding thereto, "and in relation to the Northern Cross railroad."

In which amendments they ask the concurrence of the Senate.

They have also concurred with the Senate in their amendments to the bill from the House of Representatives, for "An act concerning the State Bank of Illinois." And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, a bill for "An act to amend an act relating to the Gallatin Salines, and the lands belonging to the same," approved January 16, A. D., 1836; and

"An act to hold Courts in the 6th Judicial Circuit."

And that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Parsons, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz: "An act supplemental to an act making provision for organizing and maintaining common schools."

In which they ask the concurrence of the Senate. And he withdrew.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* The Council of Revision have directed me to inform the Senate, that on Friday the 26th instant, they approved a bill of the following title, viz: "An act making provision for organizing and maintaining common schools." And he withdrew.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* That the Public Printer publish without delay the respective times of holding circuit courts in the several counties comprising the third Judicial Circuit, as regulated by the present General Assembly, and transmit a copy of the same to the clerk of each Court in said circuit.

In which they ask the concurrence of the Senate.

They have concurred with the Senate in the adoption of a resolution having for its object to instruct our Senators and request our Representatives in Congress to use their influence to effect a change in the Constitution of the United States, so that any President hereafter elected shall not be eligible to re-election to the same office. And he withdrew.

On motion of Mr. Ralston,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration the bill from the House of Representatives, entitled "An act making appropriations for the years 1841 and 1842," Mr. Davidson in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Davidson reported that the committee of the Whole Senate had, according to order, had said bill under consideration, together with the proposed amendments of the committee on Public Accounts and Expenditures thereto, and have made sundry amendments to the same, in which they ask the concurrence of the Senate.

Mr. Ralston moved to amend the same by striking out that portion which relates to J. M. Morse, as a compensation for articles furnished the State House; which was agreed to.

Mr. Fithian moved to amend said amendment by adding the following as an additional section:

"Sec. — That hereafter all articles purchased for the use of the members of the General Assembly and for the officers of the same, shall be purchased by the Secretary of State and charge the State for the same under his own name, the statement to be accompanied in all cases by the receipt of the person of whom the articles may have been purchased by the Secretary; which was agreed to.

And the question then being taken on concurring with the committee in their amendment to said bill, as amended,

It was decided in the affirmative.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Gatewood,

The rule was dispensed with, said bill read the third time by its title.

Mr. Baker proposed to amend.

Mr. Witt moved the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hamlin, Harris, Houston, Hunter, Johnston, Killpatrick, Markley, Monroe, Parrish, Pearson, Slocumb, Stadden, Warren, and Witt—21.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Harrison, Henry, James, Moore, Nunnally, Ralston, Ross, Sargent, Snyder, and Wood—14.

And on the question—"Shall the bill, as amended, pass?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Feaman, Gibbs, Harris, Henry, Houston, Hunter, Killpatrick, Ralston, Slocumb, Stadden, and Witt—12.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Gatewood, Hacker, Hamlin, Harrison, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ross, Sargent, Snyder, Warren, and Wood—24.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Hamlin moved to reconsider the vote just taken on the passage of said bill,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Feaman, Gibbs, Hamlin, Henry, Houston, Hunter, Slocumb, Stadden, and Witt—12.

Those voting in the negative, are,

Messrs. Baker, Davidson, Evans, Fithian, Gaston, Gatewood, Hacker, Harris, Harrison, James, Johnston, Killpatrick, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Sargent, Snyder, Warren, and Wood—24.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz:

"An act concerning the records of Madison county;" and

"An act for the relief of certain securities therein named."

And that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendment to the amendment of the House of Representatives to the bill for "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes." And he withdrew.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz:

"An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company;"

"An act to authorize the Mount Carmel and Alton Railroad Company, to construct the Southern Cross Railroad;" and

"An act concerning a State road in Jefferson county."

And also that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill for "An act authorizing the Governor to appoint a day for holding special elections for members of Congress and for other purposes."

In the passage of which they ask the concurrence of the Senate.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a written communication. And he withdrew.

On motion of Mr. Monroe,

*Ordered,* That the President of the State Bank be requested to inform the Senate if the bank has on hand a quantity of land scrip for sale, of whom said scrip was received, and whether said interest was paid in New York, on account of interest on the canal debt; and if so, by whom; and all the facts the bank may be in possession of in relation to this subject.

A message from the House of Representatives, by Mr. Lincoln, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill, entitled "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Moore, from the committee on Counties, to which was referred the bill for "An act defining the duties of county collectors," reported the same back, with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed for a third reading.

On motion of Mr. Moore,

The rule was dispensed with, and said bill read the second time by its title.

Mr. Markley moved to amend the same, by adding the following as an additional section:

"SEC. —. The clerks of the several circuit courts shall make out a list of all witnesses fees that have been heretofore paid or collected in their respective counties, in which list they shall state the amount, and the person entitled to the same, and post up said list on the door of the court house, on the first day of the second term in said county thereafter to be holden, and each year thereafter a like list as aforesaid shall be posted up in like manner;" which was decided in the negative.

And on the question—"Shall the bill pass?"

It was decided in the affirmative.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Hamlin, from the committee of conference, made the following report:

"The committee of conference, appointed upon the disagreeing vote of the two Houses, upon the amendments of the Senate to "A bill for an act to locate the county seat of Stark, and to make a certain addition to said county," have had the same under consideration, and a majority of said committee recommend that the House of Representatives concur with the Senate in their amendments to said bill."

And on the question—"Will the Senate concur with the committee in their report?"

It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Calhoun, their Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with the Senate in the passage of bills of the following titles, viz:

"An act to authorize the Mount Carmel and Alton Railroad Company to construct the Southern Cross Railroad;"

"An act for the benefit of the persons therein named;"

"An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company."

They have concurred with the Senate in the passage of a bill for "An act defining the duties of the Commissioners of the Illinois and Michigan Canal," as amended by them.

In which amendments they ask the concurrence of the Senate.

They have also concurred with the Senate in their amendments to the bill for "An act to provide for the payment of the interest on the public debt."

Mr. Harrison, from the committee on Internal Navigation, to which was referred the bill, entitled "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes," together with the amendment thereto of the House of Representatives, reported the same back, and recommended the rejection of said amendment.

Mr. Slocumb moved to amend the amendment as follows:

Strike out all after the word "and" in the seventh line from the bottom, to the word "and" in the fifth line, and insert "abate said dams as a public nuisance;" which was not agreed to.

Mr. Slocumb moved to amend the amendment as follows:

Amend the fourth section of the House amendments, as follows: add the words "and fifty" after the word "hundred;" which was not agreed to.

Mr. Slocumb moved to amend the same as follows:

Add the following proviso to the 2d section: "*Provided*, That in no case shall either of said dams and water power be leased for a less sum than three hundred dollars per annum, in addition to the improvements herein provided to be made in said dams; which said rent shall be paid to the Fund Commissioner."

And also to amend as follows:

Strike out "three years" and insert "two years" in the first section; which was decided in the affirmative, and the amendment, as amended, was concurred in.

*Ordered.* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill for "An act to provide for the early completion of the Illinois and Michigan Canal."

In which they ask the concurrence of the Senate.

Mr. Moore, from the committee on Counties, to which was referred the bill, entitled "An act for the formation of the county of Allen," reported the same back without amendment, and recommended its passage.

Mr. Harris moved to amend the same, as follows:

Amend the 8th section by striking out all to the word "election" in the second line, and insert "on the first Monday in May next there shall be elections held at the following places, for the purpose of selecting a public place for a county seat for the county of Allen, to wit: in the town of Scottville, and in the town of Fulton, on the other fork of Macoupin creek, in the county of Macoupin, and in the towns of Franklin and Appalonia, in the county of Morgan, and at Calloway's mill, in Sangamon county. The people, when convened on the day of election shall proceed in any manner they may see proper, to select from among themselves judges of election, who shall be qualified as provided by law, and proceed to act as judges of election."

Amend the 8th section by striking out "as provided in the second section of this act."

Amend further by adding at the end of the 9th section the following: "*And provided further,* That if the inhabitants residing within the territory composing the contemplated county of Allen, shall fail or refuse to locate their county seat, as contemplated in this act by the first Monday in June next, then this act to be null, void, and of no effect. The election in this case shall in all respects be governed by the general election laws of this State, except where it is otherwise specifically provided for by this act."

Mr. Baker moved to lay the bill and proposed amendments on the table; which was not agreed to;

And the question then being taken on the adoption of the proposed amendment,

It was decided in the negative.

Said bill was

*Ordered* to a third reading.

On motion of Mr. Henry,

The rule was dispensed with, said bill was read a third time by its title, and passed.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Henry, Hunter, James, Johnston, Killpatrick, Markley, Moore, Nunnally, Parrish, Ralston, Sargent, Snyder, Witt, and Wood—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Gibbs, Hamlin, Harrison, Houston, Monroe, Ross, Slocumb, Stadden, Stapp, and Warren—14.

*Ordered.* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Henderson, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to a bill for "An act to locate the county seat of Stark, and to make a certain addition thereto," according to the report of the committee of conference on that subject.

Mr. Moore, from the committee on Counties, to which was referred the bill, entitled "An act in relation to the school lands in township twenty-two north," reported the same back with an amendment; which was concurred in, and said bill, as amended, was

*Ordered* to be engrossed, and read a third time.

On motion of Mr. Johnston,

The rule was dispensed with, said bill read the third time by its title, and passed.

Mr. Johnston moved to amend the title so as to read as follows: "An act concerning a State road in Jefferson county;" which was agreed to.

*Ordered,* That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Hacker moved to reconsider the vote taken on reconsidering the vote taken upon the passage of the bill, entitled "An act making appropriations for the years 1841 and 1842;" which was agreed to.

Mr. Hacker then moved to reconsider the vote taken on the passage of said bill; which was decided in the affirmative.

Mr. Ralston moved to reconsider the vote taken on concurring with the committee of the Whole in their amendments to the proposed amendment of the committee to said bill; which was agreed to.

Mr. Hacker moved to amend the amendment, by striking out all that part of the same in relation to the payment of warrants drawn for work done upon the State House; which was agreed to.

Mr. Ralston moved to amend by striking out all that part of the amendment to the amendment in relation to the claims of sundry persons, as proposed by Mr. Baker; which was agreed to.

Mr. Baker moved to amend the same by striking out "four dollars" in relation to the pay of members, wherever it occurs, and insert "three dollars" in lieu thereof; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Churchill, Fithian, James, Markley, Moore, Ralston, Ross, Sargent, Stapp, and Wood—11.

Those voting in the negative, are,

Messrs. Allen, Cullom, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Harrison, Henry, Houston, Hunter, Johnston, Killpatrick, Monroe, Parrish, Pearson, Slocumb, Stadden, Warren, and Witt—24.

And the question then being taken on concurring with the committee in the amendments to said bill,

It was decided in the affirmative.

And said bill, as amended,

*Ordered* to a third reading.

On motion of Mr. Hamlin,

The rule was dispensed with, and said bill read the third time by its title, and passed.



Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harris, Henry, Houston, Hunter, Johnston, Killpatrick, Monroe, Moore, Parrish, Pearson, Ralston, Ross, Slocumb, Stadden, Warren, Witt, and Wood—28.

Those voting in the negative, are,

Messrs. Baker, Fithian, Harrison, James, Markley, Sargent, and Stapp—7.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have passed a bill for "An act in relation to the Northern Cross Railroad between Springfield and Jacksonville."

In the passage of which they ask the concurrence of the Senate.

On motion of Mr. Gaston,

The order of business was suspended;

And a bill contained in a message from the House of Representatives, entitled "An act to provide for settlers on lands purchased by the State," as amended by the House of Representatives, was taken up,

And on the question—"Will the Senate concur with the House of Representatives in their amendment to the bill?"

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Hacker, from the committee on Internal Improvements, to which was referred the bill, entitled "An act to provide for the election of one Railroad Commissioner," reported the same back with an amendment.

Mr. Pearson moved to amend the amendment as follows:

"*Provided*, These accounts shall first be passed on by the Auditor, Treasurer, and Secretary of State;" which was agreed to;

And the amendment, as amended, was concurred in, and said bill

*Ordered* to be engrossed, as amended, and read a third time.

On motion,

The Senate adjourned until two o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Churchill,

The order of business was suspended,

And the bill from the House of Representatives, entitled "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," was taken up for consideration, read, and

*Ordered* to a second reading.

On motion of Mr. Churchill,

The rule was dispensed with, said bill read a second time by its title.

Mr. Gaston moved to refer the bill to the committee on Internal Improvements; which was not agreed to;

And said bill was

*Ordered* to a third reading.

A message from the Governor, by S. A. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the Senate a written communication. And he withdrew.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to a bill for "An act making appropriations for the years 1841 and 1842."

They have concurred with the Senate in the passage of a bill for "An act concerning a State road in Jefferson county."

Mr. Johnston, from the committee on Enrolled Bills reported as correctly engrossed, bills of the following titles, viz:

"An act to authorize the Fund Commissioner to compound for and adjust demands in favor of the State;"

"An act supplemental to an act, entitled 'An act for the formation of Piatt county;'"

"An act to authorize the appointment of assessors in certain cases;"

"An act to establish a State road from York, in Clark county, to Watertown, in Clay county;"

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to re-locate a part of the State road from Carmi to Mount Carmel;" and

"An act supplemental to an act making appropriations for the years 1841 and 1842."

And also that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. McClelland, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill, entitled "An act supplemental to an act, entitled 'An act to authorize the Trustees of Shawneetown to construct a Macadamized road,'" as amended by them.

In which amendments they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a bill for "An act to locate a State road therein named," as amended by them.

In which amendments they ask the concurrence of the Senate.

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to incorporate the town of Tremont."

They have also passed a bill for "An act requiring the school commissioners of Cook county to pay certain monies therein named."

In the passage of which they ask the concurrence of the Senate.

Mr. Davidson, from the committee on Incorporations, to which was referred the bill, entitled "An act to establish a ferry across the Mississippi river in Pike county," reported the same back without amendment.

*Ordered* to a third reading.

On motion of Mr. Ralston,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Phelps, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills of the following titles:

"An act to incorporate the Naperville Academy;"

"An act to incorporate the Illinois and Missouri Bridge Company;"

"An act to extend the boundaries of the county of Carroll;" and

"An act supplemental to an act, entitled 'An act for the formation of the county of Piatt.'" And he withdrew.

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to the following bills, viz:

"An act to establish a ferry therein named;"

"An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy."

They have also concurred with the Senate in the passage of a bill for "An act to incorporate the town of Vienna, in Johnson county." And he withdrew.

On motion of Mr. Pearson,

The order of business was suspended,

And the bill from the House of Representatives, entitled "An act for the early completion of the Illinois and Michigan canal," was taken up and read the first time.

Mr. Gatewood moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Killpatrick, Monroe, Parrish, Sargent, Slocumb, and Wood—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Little, Markley, Moore, Pearson, Ralston, Ross, Snyder, Stadden, Warren, and Witt—17.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Drummond, a member:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate they have passed bills of the following titles, viz:

"An act in relation to Steam Grist Mills;"

"An act to establish the Galena and Rock River Coal and Transportation Company;" and

"An act to establish the first Congregational Society of Buffalo Grove."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Hacker,

The order of business was suspended;

And the bill, entitled "An act to provide for the election of one Railroad Commissioner," was taken up.

Mr. Davidson moved to amend by adding the following as an additional section:

"SEC. — There shall be allowed to William Walters, for the use of E. T. & C. Goudy, the sum of six hundred dollars in full for binding the laws of 1836-'7.

"To Ellis Hart, twelve dollars and fifty cents drayage.

"To Rudolph Hugay and Richard Roberts, each, the sum of twenty-four dollars for preparing fuel for the use of the present General Assembly.

"There shall be allowed to A. E. Ames the sum of two dollars per day for his services in the office of Secretary of State, during the present session of the General Assembly, number of days to be certified by the Secretary of State.

"To S. J. Iankiewicz, the sum of three hundred and twenty dollars for services rendered and to be rendered in the Treasurer's office, in posting the books of the Board of Public Works.

"To Hiram L. Hoffman, the sum of fifty seven dollars, for room rent for the Council of Revision."

Mr. Witt moved to amend the amendment by adding the following as a proviso:

"*Provided*, That the State Bank of Illinois is hereby authorized to pay the Auditor's warrants drawn on the Treasurer for debts now due for work and materials done on the State House, as audited by the Board of Auditors;" which was agreed to.

And the question then being taken upon the adoption of the amendment, as amended,

It was decided in the affirmative.

And the bill, as amended, was passed.

Mr. Hacker moved to amend the title, so as to make it read "An act supplemental to an act making appropriations for the years 1841 and 1842; which was agreed to.

*Ordered*, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Ormsbee, a member:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills, of the following titles, viz:

"An act to relocate a part of the State road from Carmi to Mount Carmel;"

"An act to authorize the appointment of assessors in certain cases;"

"An act to incorporate the Juliet Academy;"

"An act to authorize the Fund Commissioner to compound and adjust demands in favor of the State."

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have passed a bill for "An act to license lawyers and physicians, and for other purposes."

In the passage of which they ask the concurrence of the Senate.

I am also directed to inform the Senate that they have concurred with them in the passage of the bill for "An act supplemental to an act making appropriations for the years 1841 and 1842."

On motion of Mr. Allen,

The order of business was suspended,

And the bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act in relation to the State Bank of Illinois,'" approved January 21, 1840, was taken up, and

*Ordered* to a third reading.

On motion of Mr. Hacker,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Speaker laid before the Senate a communication from the President of the State Bank of Illinois, in pursuance of an order from the Senate in relation to the sale of land scrip; which was read, and,

On motion of Mr. Moore,

Laid on the table.

On motion of Mr. Snyder,

The order of business was suspended,

And the resolution contained in the message from the House of Representatives, in relation to the payment of the salary of the Secretary to the Fund Commissioner, was taken up, read, and concurred in.

*Ordered,* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Hamlin,

The order of business was suspended,

And the bill from the House of Representatives, entitled "An act supplemental to an act making provision for organizing and maintaining common schools," was taken up, read, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The order of business was suspended,

And the bill from the House of Representatives, entitled "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," was taken up, and,

On the further motion of Mr. Hacker,

The rule was dispensed with, said bill read a third time by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Gatewood, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act to increase the duties of the Fund Commissioner," reported the same back with an amendment.

Mr. Stadden moved that the further consideration of the bill, with the amendment, be indefinitely postponed; which was decided in the affirmative.

On motion of Mr. Davidson,

*Resolved.* That the rule of the Senate be suspended, so far as regards the order of business, until the end of the session, so that any bill, message, communication, or subject, may be taken up on motion.

On motion of Mr. Little,

The bill from the House of Representatives, entitled "An act to provide for the levying of taxes for school purposes, in Griggsville, Pike county" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills contained in the messages from the House of Representatives as amended by them, entitled

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to incorporate the trustees of the Winchester male and female Common and Preparatory schools;"

"An act to regulate Foreign Insurance Company Agencies, established in the State of Illinois;"

"An act to amend the several acts to extend the corporate powers of the town of Peoria;"

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to amend an act, entitled 'An act to incorporate the city of Quincy,'" approved February 3d, 1840;

"An act to incorporate the Cairo City Mills;"

"An act changing a part of the State road from Monmouth to Illinois City, and legalize the location of a State road from Weathersfield to Farmington;"

"An act to amend an act to incorporate the city of Springfield," approved February 3, 1840;

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act to provide for the settlement of the accounts of the State House Commissioners;"

"An act for the relief of the purchasers of canal lots;"

"An act to locate a State road therein named;" and

"An act supplemental to an act, entitled 'An act to authorize the Trustees of Shawneetown to construct a Macadamized road;"

Were severally taken up, and the amendments of the House of Representatives to said bills were read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill contained in the message from the House of Representatives, amended by them, entitled "An act to provide means for paying the interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was taken up, and,

On motion of Mr. Gatewood,

Referred to the committee on Canals and Canal Lands.

The bill contained in the message of the House of Representatives, amended by them, entitled "An act defining the duties of the Commissioners of the Illinois and Michigan Canal," was taken up,

And on the question—"Will the Senate concur with the House of Representatives in their amendments to the bill?"

It was decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz:

'An act to extend the boundaries of the county of Carroll;'

'An act to incorporate the town of Vienna, in Johnson county;'

'An act for the benefit of persons therein named;'

'An act to incorporate the town of Tremont;'

'An act to remove obstructions to the navigation of the Little Wabash River, and for other purposes;'

'An act to provide for settlers on lands purchased by the State.'

And also that they have this day laid said bills before the Council of Revision.

Mr. Speaker announced that the communications received from the Governor, were upon executive business, and would be acted upon with closed doors.

Mr. Churchill moved that said communications be now acted upon with open doors; which was agreed to.

And the first communication was read as follows:

#### EXECUTIVE DEPARTMENT,

*Springfield, Feb. 27, 1841.*

*to the Senate:*

To nominate Lyman Trumbull to be Secretary of State, in place of S. A. Aglass, resigned. ✓

THO. CARLIN.

Mr. Ralston moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Evans, Fithian, Gatewood, Gibbs, Hamlin, Harris, Houston, Hunter, James, Markley, Nunnally, Pearson, Ralston, Ross, Slocumb, Snyder, Stadden, Stapp, Witt, and Wood—22.

Those voting in the negative, are,

Messrs. Baker, Davidson, Gaston, Hacker, Harrison, Henry, Johnston, Patrick, Little, Monroe, Moore, Parrish, Sargent, and Warren—14.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herei*  
That the Governor shall settle with the agent of the contractors upon the Illinois and Michigan Canal, for one thousand bonds sold them, (and negotiated by him on their account) upon the same terms and conditions that other agents of the State negotiating like bonds have been settled with.

In which they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Witt,

The bill from the House of Representatives, entitled "An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county," was taken up, read the first time, and

*Ordered* to a second reading.

On motion of Mr. Witt,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Baker,

The bill from the House of Representatives, entitled "An act for the relief of the creditors of the late William Wernwag," was taken up,

And on the question—"Will the Senate recede from their amendment to said bill?"

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Hardin, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they respectfully request the return to the House of Representatives of a resolution (in relation to the Governor settling with certain agents negotiating bonds on account of the Illinois and Michigan Canal) reported to the Senate this day, and purporting to have been adopted by the House of Representatives; which was so reported by error of the Clerk, no such resolution having been adopted.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate that they have this day approved bills of the following titles, viz:

"An act regulating the sale of property;"

"An act concerning the Great Western Mail Route;"

"An act to establish a ferry across the Illinois river, in Grundy county"

"An act concerning county seats and county lines;"

"An act to incorporate the Nauvoo Agricultural and Manufacturing Association, in the county of Hancock;"

"An act for a State road therein named;"

"An act in relation to Pedlars;"

"An act to amend an act, entitled 'An act relating to the Gallatin lines, and the lands belonging to the same,' approved January 16th, D., 1836;

"An act concerning the records of Madison county;"



An act to authorize the Mount Carmel and Alton Railroad Company construct the Southern Cross Railroad;"

An act concerning a State road in Jefferson county;" and

An act supplemental to an act to incorporate the Des Moines Rapids Road Company."

Mr. Speaker announced a communication from the Governor, and that same would be acted upon with closed doors.

Mr. Churchill moved that the same be now acted upon with open doors; which was agreed to.

and the communication was read, as follows, to wit:

EXECUTIVE DEPARTMENT,  
Springfield, Feb. 27, 1841.

*the Honorable the Senate:*

Nominate Thomas Lewis to be public administrator for the county of Madison.

I have the honor to be,

Very respectfully,

Your obedient servant,

THO. CARLIN.

Mr. Witt moved that the Senate do now advise and consent to said nomination; which was decided in the affirmative.

On motion of Mr. Witt,

the communication some days since laid on the table, be now taken up for consideration; which was agreed to.

and the said communication was read as follows:

EXECUTIVE DEPARTMENT,  
Springfield, February 26, 1841.

*the Honorable the Senate:*

Nominate Alexander Reid, Richard A. S. Barger, Isaac Cooper, Robert Bradford, Oliver C. Vanlandingham, and William Edwards to be Directors on the part of the State in the Bank of Illinois, at Shawneetown.

Also nominate Anderson J. Storm, to be public administrator, and Wesley Sloan to be notary public for the county of Pope;

and James Dunn to be public administrator, and James McFarland to be notary public for the county of Hardin.

I have the honor to be,

Your ob't. serv't.,

THO. CARLIN.

Mr. Gatewood moved that the Senate do now advise and consent to that part of the communication in relation to Bank Directors of the Bank of Illinois at Shawneetown; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Evans, Gaston, Gatewood, Hacker, Harris, Henry, Housh, Hunter, James, Markley, Moore, Pearson, Ralston, Snyder, Stadden, and Wood—18.

Those voting in the negative, are,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, John Killpatrick, Little, Monroe, Parrish, Ross, Sargent, Slocumb, Stapp, Warren—16.

Mr. Witt moved that the Senate do now advise and consent to the remaining nominations contained in said communication; which was decided in the affirmative.

A Message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have receded from their amendments to the bill for "An act defining the duties of the Commissioners of the Illinois and Michigan Canal," making the Treasurer a component part of the Board of Commissioners.

And they have refused to recede from their amendment striking out the 4th and 5th sections of the bill.

They have also ordered the appointment of a committee of conference on the disagreeing vote of the two Houses on the above bill, and ask the appointment of a committee on the part of the Senate.

Messrs. Peck, Dodge, and Murphy of Cook are the committee appointed on the part of the House.

On motion of Mr. Henry,

The bill from the House of Representatives, entitled "An act in relation to the Northern Cross Railroad between Springfield and Jacksonville," was taken up, read the first time, and

*Ordered* to a second reading.

On motion of Mr. Killpatrick,

The rule was dispensed with, said bill read the second and third time by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until 7 o'clock.

#### SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Davidson, from the committee on Incorporations, to which was referred the bills from the House of Representatives, entitled "An act to incorporate the Louisville Exporting, Importing, and Manufacturing Company;" and

"An act to repeal an act therein mentioned," reported the same back without amendment, and recommended their passage.

*Ordered* to a third reading.

On motion,

The rule was dispensed with, said bills were severally read the third time by their titles, and passed.

*Ordered,* That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Davidson, from the same committee to which was referred the bill from the House of Representatives, entitled "An act to incorporate the town of Rock Island in Rock Island county," reported the same back with an amendment; which was concurred in.

And said bill, as amended, was

*Ordered* to a third reading.

On motion of Mr. Harrison,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Davidson, from the same committee, to which was referred the bill from the House of Representatives, entitled "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in the county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock River Railroad Company," reported the same back without amendment, and recommended its passage.

*Ordered* to a third reading.

On motion of Mr. Harrison,

The rule was dispensed with, and said bill read the third time by its title, and passed.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Davidson, Feaman, Gibbs, Hacker, Hamlin, Harrison, Henry, Houston, Killpatrick, Monroe, Pearson, Ross, Stadden, Stadden, Stapp, and Warren—19.

Those voting in the negative, are,

Messrs. Evans, Gaston, Harris, James, Little, Markley, Moore, Nunnally, Parrish, Ralston, Witt, and Wood—12.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Calhoun, their clerk:

*Mr. Speaker*: I am directed by the House of Representatives to inform the Senate, that they have passed a bill for "An act to amend an act, entitled 'An act to incorporate the Chicago Marine and Fire Insurance Company.'"

In the passage of which they ask the concurrence of the Senate. And withdrew.

The bill from the House of Representatives, entitled "An act to authorize John Primm, Sen. to build a mill-dam across the Sangamon river," was read the third time, as amended, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill, entitled "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," together with the amendment thereto, reported the same back, and recommended the adoption of the amendment.

And on the question—"Will the Senate concur with the House of Representatives in their amendment to said bill?"

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Hacker, Hamlin, Killpatrick, Markley, Moore, Nunnally, Pearson, Ralston, Ross, Slocumb, Stadden, Warren, and Witt—13.

Those voting in the negative, are,

Messrs. Allen, Churchill, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Harris, Henry, Houston, James, Johnston, Little, Monroe, Parrish, Sargent, Stapp, and Wood—20.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend 'An act to establish Circuit Courts,'" approved February 23, 1841, was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Gaston,

The rule was dispensed with, said bill read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Ralston moved for adoption the following resolution:

*"Resolved by the Senate and House of Representatives*, That the resolution fixing the time for the adjournment of this General Assembly on Monday the first day of March next, be rescinded. That this General Assembly will adjourn, *sine die*, on Wednesday the 3d of March, at the hour of 9 o'clock, A. M.

Mr. Stapp moved to lay the same on the table; which was decided in the affirmative.

Mr. Gatewood, from the committee on Internal Improvements, to which was referred the bill from the House of Representatives, entitled "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois Internal Improvement scrip," reported the same back without amendment.

*Ordered* to a third reading.

On motion of Mr. Baker,

The rule was dispensed with, said bill read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill, entitled "An act to sell canal lands to contractors," reported the same back with an amendment.

Mr. Hacker moved to amend the amendment by striking out all of the fifth section after the word "stocks;" which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Little, Monroe, Parrish, Sargent, and Wood—16.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Hamlin, Harrison, Henry, Johnston, Killpatrick, Markley, Moore, Pearson, Ralston, Ross, Slocumb, Stadden, Stapp, Warren, and Witt—19.

Mr. Hacker moved to amend the amendment by inserting the following as a substitute:

"That the Governor of this State be, and he is hereby authorized and required to borrow the sum of one million five hundred thousand dollars, in addition to the amount now authorized by law, upon the same terms, and under the same conditions, as provided for in the "Act to provide for a loan for canal purposes," approved February 23, 1839; which said sum is hereby appropriated to the further prosecution of the construction of the Illinois and Michigan Canal: *Provided*, That in no case whatever shall the bonds herein authorized to be sold, be sold or parted with, except for cash at their par value."

Mr. Johnston called for a division of the question.

And the question being first taken upon striking out,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Johnston, Little, Monroe, Parrish, Sargent, Slocumb, and Wood—18.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Hamlin, Harrison, Henry, Killpatrick, Markley, Moore, Pearson, Ralston, Ross, Stadden, Stapp, Warren, and Witt—17.

The question then recurring upon inserting the proposed amendment,

Mr. Witt moved that the further consideration of said bill, and the proposed amendments, be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Evans, Feaman, Gibbs, Harris, Harrison, Houston, James, Johnston, Killpatrick, Parrish, Ross, Sargent, Warren, Witt, and Wood—16.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Davidson, Gaston, Gatewood, Hacker, Hamlin, Henry, Markley, Monroe, Moore, Pearson, Ralston, Slocumb, Stadden, and Stapp—17.

The question then recurring upon inserting the amendment of Mr. Hacker,

Mr. Gatewood called for a division of the question;

And the question being first taken on inserting all that portion of the amendment, excepting the proviso,

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gibbs, Hacker, Hamlin, Harris, Harrison, Little, Markley, Monroe, Parrish, Pearson, Ralston, Slocumb, Stadden, Warren, and Witt—20.

Those voting in the negative, are,

Messrs. Baker, Churchill, Fithian, Gatewood, Henry, Houston, James, Johnston, Killpatrick, Ross, Sargent, and Wood—12.

And the question then being taken on the adoption of the proviso to said amendment,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Johnston, Little, Monroe, Parrish, Sargent, and Wood—17.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Hamlin, Harrison, Henry, Killpatrick, Markley, Moore, Pearson, Ralston, Ross, Slocumb, Stadden, Stapp, Warren, and Witt—17.

Mr. Gatewood moved that the Senate now adjourn; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, James, Little, Monroe, Parrish, Slocumb, and Wood—15.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Hamlin, Harrison, Henry, Johnston, Killpatrick, Markley, Moore, Pearson, Ralston, Ross, Sargent, Stadden, Stapp, Warren, and Witt—19.

Mr. Killpatrick moved to lay said bill and proposed amendments on the table; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Baker, Evans, Feaman, Gaston, Gibbs, Harris, Henry, Houston, James, Johnston, Killpatrick, Monroe, Ross, Sargent, and Wood—15.

Those voting in the negative, are,

Messrs. Allen, Churchill, Cullom, Gatewood, Hacker, Hamlin, Harrison, Little, Markley, Moore, Parrish, Pearson, Ralston, Slocumb, Stadden, Stapp, Warren, and Witt—18.

The question then being taken on concurring with the committee in their amendment to the bill, as amended,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Cullom, Hacker, Hamlin, Harrison, Little, Markley, Moore, Pearson, Ralston, Slocumb, Stadden, Warren, and Witt—15.

Those voting in the negative, are,

Messrs. Baker, Davidson, Evans, Feaman, Gaston, Gibbs, Harris, Henry, Houston, James, Johnston, Killpatrick, Monroe, Parrish, Ross, Sargent, Stapp, and Wood—18.

Whereupon,

On motion of Mr. Stadden,

Said bill was laid on the table.

A message from the House of Representatives, by Mr. Peck, a member:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate that they have refused to recede from their amendments to the Senate bill for "An act to provide means for paying interest upon canal loans, and amending the several laws in relation to the sale of canal lands and lots."

And that they have appointed a committee of conference upon the disagreeing vote of the two Houses on the above bill, and have appointed

Messrs. Peck, Henderson, and Archer the committee on the part of the House, and request the Senate to appoint a committee on their part. And he withdrew.

The message from the House of Representatives just read, was taken up and concurred in.

*Ordered*, That Messrs. Witt and Stadden be the committee on the part of the Senate.

Mr. Johnston, from the committee on Enrolled Bills, made the following report, viz:

The committee on Enrolled Bills report as correctly enrolled, bills of the following titles, viz:

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to incorporate the Cairo City Mills;"

"An act to incorporate the Naperville Academy;"

"An act to regulate Foreign Insurance Company Agencies established in the State of Illinois;"

"An act to amend the several acts to incorporate the city of Springfield;" approved February 3d, 1840;

"An act to amend the several acts to extend the corporate powers of the town of Peoria;"

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act changing part of the State road from Monmouth to Illinois City, and legalize the location of a State road from Weathersfield to Farmington;"

"An act for the relief of purchasers of canal lots in Chicago and Ottawa, in 1836;" and

"An act establishing the Juliet Academy."

And also, that said bills have this day been laid before the Council of Revision.

A message from the House of Representatives, by Mr. Dodge, a member:

*Mr. Speaker*: I am directed by the House of Representatives, to inform the Senate that they have adopted the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the resolution fixing the adjournment of this session of the Legislature, at 9 o'clock, A. M., on Monday the first day of March, be rescinded, and that the two Houses will adjourn, *sine die*, on the said first day of March, at 7 o'clock, P. M. instead of 9 o'clock, A. M.

In the adoption of which, they ask the concurrence of the Senate. And he withdrew.

A message from the Governor, by Mr. Douglass Secretary of State:

*Mr. Speaker*: I am directed by the Governor, to lay before the Senate a communication in writing. And he withdrew.

On motion of Mr. Stadden,

The message from the House of Representatives, having for its object the appointment of a committee of conference upon the disagreeing vote of the two Houses upon the amendments of the House to the bill, entitled

"An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was taken up, and concurred in.

*Ordered*, That Messrs. Stadden and Witt be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Johnston moved to take up the resolution just received from the House of Representatives, having for its object the rescinding of a resolution for the adjournment of this General Assembly, *sine die*, on the first day of March; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Churchill, Hamlin, Harrison, Johnston, Killpatrick, Markley, Moore, Pearson, Ralston, Slocumb, Stadden, and Witt—13.

Those voting in the negative, are,

Messrs. Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Henry, Houston, James, Little, Monroe, Parrish, Ross, Sargent, Stapp, Warren, and Wood—20.

Mr. Speaker announced that the communication just received from the Governor, was upon executive business, and would be acted upon with closed doors.

Mr. Warren moved that the communication be now considered with open doors; which was agreed to.

Whereupon, the communication was read as follows:

#### EXECUTIVE DEPARTMENT,

*Springfield, February 27, 1841.*

*To the Senate:*

I nominate John J. Mosely to be notary public, and William Naylor to be public administrator, for the county of Cass.

John Calhoun, Morris Doyle, James W. Keys, Virgil Hickox, John Taylor, Alexander Lindsay, and Marvellous Eastham, to be directors of the State Bank of Illinois.

THO. CARLIN.

Mr. Moore moved that the Senate do now advise and consent to all the nominations contained in said communication; which was decided in the affirmative.

On motion of Mr. Harrison,

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate the following bill, viz:

"An act to amend an act to establish Circuit Courts," approved February 23, 1841.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Witt, from the committee of conference, appointed upon the disagreeing vote of the two Houses in relation to the amendment of the House of Representatives to the bill, entitled "An act to provide means for paying interest on Canal loans and amending the several laws in relation to the sale of canal lands and lots," reported that the said committee had had the same under consideration, and directed him to report the same to the Senate and recommend the adoption of the amendment.



Mr. Monroe moved that the further consideration of said bill be indefinitely postponed.

A message from the House of Representatives, by Mr. Calhoun, their Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to return to the Senate a bill for "An act to amend an act to establish Circuit Courts," approved February 23, 1841.

Mr. Hacker moved that the Senate now adjourn; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Cullom, Davidson, Evans, Feaman, Fithian, Gaston, Gatewood, Gibbs, Hacker, Harris, Henry, Little, Monroe, Moore, Parrish, Slocumb, Stapp, and Wood—18.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Hamlin, Harrison, Houston, James, Johnston, Killpatrick, Pearson, Ralston, Ross, Sargent, Stadden, and Witt—15.

### MONDAY, MARCH 1, 1841.

Senate met pursuant to adjournment.

Mr. Speaker appeared, took the chair and called the Senate to order.

Mr. Johnston, from the committee on Enrolled bills reported as correctly enrolled bills of the following titles, viz:

"An act to incorporate the Illinois and Mississippi Bridge Company;"

"An act to provide for the settlement of the accounts of the State House Commissioners;"

"An act supplemental to an act, entitled 'An act to authorize the trustees of Shawneetown to construct a Macadamized road;'"

"An act to incorporate the trustees of the Winchester male and female common and preparatory school;" and

"An act to locate a State road therein named."

And also, that they have this day laid said bills before the Council of Revision.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the Senate, that on Saturday the 27th February, they approved bills of the following titles, viz:

"An act to incorporate the Naperville Academy;"

"An act changing part of the State road from Monmouth to Illinois City, and legalize the location of a State road from Weathersfield to Farmington;"

"An act to amend 'An act to incorporate the city of Springfield,'" approved February 3, 1840;

"An act for the relief of purchasers of canal lots in Chicago and Ottawa, in 1836;"

"An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes;"

"An act for the benefit of the persons therein named;"

"An act to extend the boundaries of the county of Carroll;"

"An act supplemental to an act making appropriations for the years 1841 and 1842;"

"An act to incorporate the town of Vienna, in Johnson county;"

"An act supplemental to an act, entitled 'An act for the formation of Piatt county;'"

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to incorporate the town of Tremont;"

"An act to establish a State road from York, in Clark county, to Watertown, in Clay county;"

"An act to relocate a part of the State road from Carmi to Mount Carmel;"

"An act to authorize the appointment of assessors in certain cases;"

"An act to provide for settlers on lands purchased by the State;"

"An act to authorize the Fund Commissioner to compound for, and adjust demands in favor of the State;"

"An act to incorporate the Cairo City Mills;"

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to amend the several acts to extend the corporate powers of the town of Peoria;"

"An act to regulate Foreign Insurance Company Agencies established in the State of Illinois;"

"An act establishing the Juliet Academy;"

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act to incorporate the Trustees of the Winchester male and female Common and Preparatory Schools;"

"An act to locate a State road therein named;"

"An act supplemental to an act, entitled 'An act to authorize the trustees of Shawneetown to construct a Macadamized road;'"

"An act to provide for the settlement of the accounts of the State House Commissioners;" and

"An act to incorporate the Illinois and Missouri Bridge Company;"

And he withdrew.

A message from the House of Representatives, by Mr. Davis, their Assistant Clerk:

*Mr. Speaker:* I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the adoption of a resolution having for its object the printing of 4,500 copies of the law in relation to common schools.

They have indefinitely postponed a bill for "An act defining the duties of county collectors." And he withdrew.

Mr. Harrison offered the following resolution, viz: Mr. Baker in the chair,

*Resolved,* That the thanks of this body be unanimously tendered to the

Speaker, and Speaker pro tem., for their able, impartial and dignified conduct, while presiding over the deliberations of the Senate during the present session; which was unanimously adopted.

Whereupon, the Hon. Speaker resumed the chair, and addressed the Senate as follows:

GENTLEMEN: By a resolution, adopted by both branches of this General Assembly, this day at nine o'clock, A. M. has been fixed for the adjournment of the two Houses without day. That period having arrived, it now only remains for me to pronounce the Senate adjourned *sine die*.

MERIT L. COVELL,

*Secretary of the Senate,  
of the State of Illinois.*



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